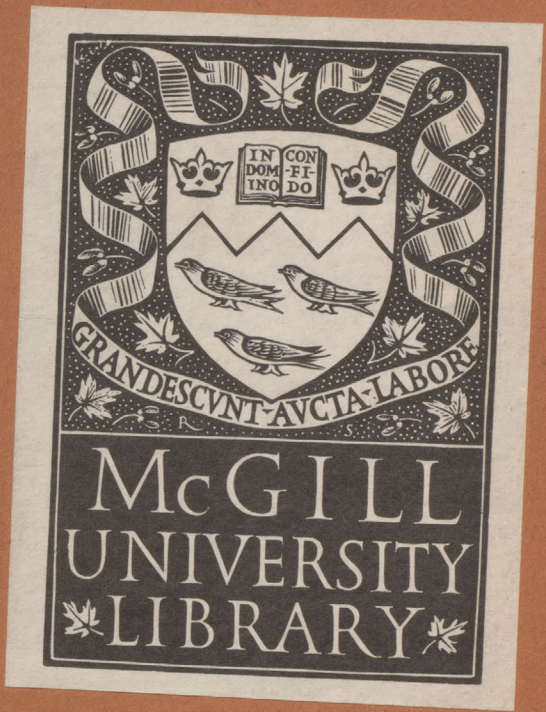

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THE HISTORY OF ENGLAND.

VOL. VIII.

THE

HISTORY

OF

ENGLAND.

THE

HISTORY

OF

ENGLAND,

FROM THE

INVASION OF JULIUS CÆSAR

TO

The REVOLUTION in 1688.

IN EIGHT VOLUMES.

By DAVID HUME, Esq;

VOL. VIII.

A NEW EDITION, with the AUTHOR's last CORRECTIONS and IMPROVEMENTS.

To which is prefixed,
A short ACCOUNT of his LIFE, written by himself.

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CHAP. LXVI.

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IF we conſider the projects of the famous Cabal, it will appear hard to determine, whether the end, which thoſe miniſters purſued, were more blameable and pernicious, or the means, by which they were to effect it, more impolitic and imprudent. Though they might talk

CHAP. LXVI. 1674. Schemes of the Cabal.

CHAP. LXVI. 1674.

talk only of recovering or fixing the king's authority; their intention could be no other than that of making him abſolute: Since it was not poſſible to regain or maintain, in oppoſition to the people, any of thoſe powers of the crown, aboliſhed by late law or cuſtom, without ſubduing the people, and rendering the royal prerogative entirely uncontroulable. Againſt ſuch a ſcheme, they might foreſee, that every part of the nation would declare themſelves, not only the old parliamentary faction, which, though they kept not in a body, were ſtill numerous; but even the greateſt royaliſts, who were indeed attached to monarchy, but deſired to ſee it limited and reſtrained by law. It had appeared, that the preſent parliament, though elected during the greateſt prevalence of the royal party, was yet tenacious of popular privileges, and retained a conſiderable jealouſy of the crown, even before they had received any juſt ground of ſuſpicion. The guards, therefore, together with a ſmall army, new levied, and undiſciplined, and compoſed too of Engliſhmen, were almoſt the only domeſtic reſources, which the king could depend on in the proſecution of theſe dangerous counſels.

THE aſſiſtance of the French king was, no doubt, deemed by the Cabal a conſiderable ſupport in the ſchemes which they were forming; but it is not eaſily conceived, that they could imagine themſelves capable of directing and employing an aſſociate of ſo domineering a character. They ought juſtly to have ſuſpected, that it would be the ſole intention of Lewis, as it evidently was his intereſt, to raiſe incurable jealouſies between the king and his people; and that he ſaw how much a ſteddy uniform government in this iſland, whether free or abſolute, would form invincible barriers to his ambition. Should his aſſiſtance be demanded; if he ſent a ſmall ſupply, it would ſerve only to enrage the people, and render

render the breach altogether irreparable; if he furnished a great force, sufficient to subdue the nation, there was little reason to trust his generosity, with regard to the use, which he would make of this advantage. CHAP. LXVI. 1674.

In all its other parts, the plan of the Cabal, it must be confessed, appears equally absurd and incongruous. If the war with Holland were attended with great success, and involved the subjection of the republic; such an accession of force must fall to Lewis, not to Charles: And what hopes afterwards of resisting by the greatest unanimity so mighty a monarch? How dangerous, or rather how ruinous to depend upon his assistance against domestic discontents? If the Dutch, by their own vigour, and the assistance of allies, were able to defend themselves, and could bring the war to an equality, the French arms would be so employed abroad, that no considerable reinforcement could thence be expected to second the king's enterprizes in England. And might not the project of over-awing or subduing the people be esteemed, of itself, sufficiently odious, without the aggravation of sacrificing that State, which they regarded as their best ally, and with which, on many accounts, they were desirous of maintaining the greatest concord and strictest confederacy?

Whatever views likewise might be entertained of promoting by these measures the catholic religion; they could only tend to render all the other schemes abortive, and make them fall with inevitable ruin upon the projectors. The catholic religion, indeed, where it is established, is better fitted than the protestant for supporting an absolute monarchy; but would any man have thought of it as the means of acquiring arbitrary authority in England, where it was more detested than even slavery itself?

It must be allowed, that the difficulties, and even inconsistencies, attending the schemes of the Cabal, are so numerous and obvious, that one feels at first an inclina-

CHAP. LXVI. 1674.

tion to deny the reality of those schemes, and to suppose them entirely the chimeras of calumny and faction. But the utter impossibility of accounting, by any other hypothesis, for those strange measures embraced by the court, as well as for the numerous circumstances, which accompanied them, obliges us to acknowledge (though there remains no direct evidence of it [a]) that a formal plan was

[a] Since the publication of this History, the Author has had occasion to see the most direct and positive evidence of this conspiracy. From the humanity and candour of the principal of the Scotch College at Paris, he was admitted to peruse James the Second's Memoirs, kept there. They amount to several volumes of small folio, all writ with that prince's own hand, and comprehending the remarkable incidents of his life from his early youth till near the time of his death. His account of the French alliance is as follows: The intention of the king and duke was chiefly to change the religion of England, which they deemed an easy undertaking, because of the great propensity, as they imagined, of the cavaliers and church party to popery: The treaty with Lewis was concluded at Versailles in the end of 1669, or beginning of 1670, by Lord Arundel of Wardour, whom no historian mentions as having had any hand in these transactions. The purport of it was, that Lewis was to give Charles 200,000 pounds a year in quarterly payments, in order to enable him to settle the catholic religion in England; and he was also to supply him with an army of 6000 men in case of any insurrection. When that work was finished, England was to join with France in making war upon Holland. In case of success, Lewis was to have the inland provinces, the prince of Orange Holland in sovereignty, and Charles, Sluice, the Brille, Walkeren, with the rest of the sea ports as far as Mazeland Sluice. The king's project was first to effect the change of religion in England; but the dutchess of Orleans, in the interview at Dover, persuaded him to begin with the Dutch war, contrary to the remonstrances of the duke of York, who insisted that Lewis, after serving his own purposes, would no longer trouble himself about England. The duke makes no mention of any design to render the king absolute; but that was, no doubt, implied in the other project, which was to be effected entirely by royal authority. The king was so zealous a papist, that he wept for joy when he saw the prospect of re-uniting his kingdom to the catholic church.

Sir John Dalrymple has since published some other curious particulars with regard to this treaty. We find, that it was concerted and signed with the privity alone of four popish counsellors of the king's, Arlington, Arundel, Clifford and Sir Richard Bealing. The secret was kept from Buckingham, Ashley, and Lauderdale. In order to engage them to take part in it, a very refined and a very mean artifice was fallen upon by the king. After the secret conclusion and signature of the treaty, the king pretended to these three ministers that he wished to have a treaty and alliance with France for mutual support,

laid for changing the religion, and subverting the constitution, of England, and that the king and the ministry were in reality conspirators against the people. What is most probable in human affairs is not always true; and a very minute circumstance, overlooked in our speculations, serves often to explain events, which may seem the most surprizing and unaccountable. Though the king possessed penetration and a sound judgment, his capacity was chiefly fitted for smaller matters [b], and the ordinary occurrences of life; nor had he application enough to carry his view to distant consequences, or to digest and adjust any plan of political operations. As he scarcely ever thought twice on any one subject, every appearance of advantage was apt to seduce him; and when he found his way obstructed by unlooked-for difficulties, he readily turned aside into the first path, where he expected more to gratify the natural indolence of his disposition. To this versatility or pliancy of genius, he himself was inclined to trust; and he thought, that, after trying an experiment for enlarging his authority, and altering CHAP. LXVI. 1674.

support, and for a Dutch war; and when various pretended obstacles and difficulties were surmounted, a sham-treaty was concluded with their consent and approbation, containing every article of the former real treaty, except that of the king's change of religion. However, there was virtually involved even in this treaty, the assuming of absolute government in England: For the support of French troops, and a war with Holland, so contrary to the interests and inclinations of his people, could mean nothing else. One cannot sufficiently admire the absolute want of common sense which appears throughout the whole of this criminal transaction. For if popery was so much the object of national horror, that even the king's three ministers, Buckingham, Ashley, and Lauderdale, and such profligate ones too, either would not, or durst not receive it, what hopes could he entertain of forcing the nation into that communion? Considering the state of the kingdom, full of veteran and zealous soldiers, bred during the civil wars, it is probable that he had not kept the crown two months after a declaration so wild and extravagant. This was probably the reason why the king of France and the French ministers always dissuaded him from taking off the mask, till the successes of the Dutch war should render that measure prudent and practicable.

[b] Duke of Buckingham's character of K. Charles II.

CHAP. LXVI. 1674.

the national religion, he could eaſily, if it failed, return into the ordinary channel of government. But the ſuſpicions of the people, though they burſt not forth at once, were by this attempt rendered altogether incurable; and the more they reflected on the circumſtances, attending it, the more reſentment and jealouſy were they apt to entertain. They obſerved, that the king never had any favourite; that he was never governed by his miniſters, ſcarcely even by his miſtreſſes; and that he himſelf was the chief ſpring of all public counſels. Whatever appearance, therefore, of a change might be aſſumed, they ſtill ſuſpected, that the ſame project was ſecretly in agitation; and they deemed no precaution too great to ſecure them againſt the pernicious conſequences of ſuch meaſures.

THE king, ſenſible of this jealouſy, was inclined thenceforth not to truſt his people, of whom he had even before entertained a great diffidence; and though obliged to make a ſeparate peace, he ſtill kept up connexions with the French monarch. He apologized for deſerting his ally, by repreſenting to him all the real undiſſembled difficulties, under which he laboured; and Lewis, with the greateſt complaiſance and good humour, admitted the validity of his excuſes. The duke likewiſe, conſcious that his principles and conduct had rendered him ſtill more obnoxious to the people, maintained on his own account a ſeparate correſpondence with the French court, and entered into particular connexions with Lewis, which theſe princes dignified with the name of friendſhip. The duke had only in view to ſecure his ſucceſſion, and favour the catholics; and it muſt be acknowledged to his praiſe, that, though his ſchemes were, in ſome particulars, dangerous to the people, they gave the king no juſt ground of jealouſy. A dutiful ſubject, and an affectionate brother, he knew no other rule of conduct than obedience; and the ſame unlimited ſubmiſſion, which afterwards, when king, he

he exacted of his people, he was ever willing, before he ascended the throne, to pay to his sovereign.

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As the king was at peace with all the world, and almost the only prince in Europe placed in that agreeable situation, he thought proper to offer his mediation to the contending powers, in order to compose their differences. France, willing to negociate under so favourable a mediator, readily accepted of Charles's offer; but, it was apprehended, that, for a like reason, the allies would be inclined to refuse it. In order to give a sanction to his new measures, the king invited Temple from his retreat, and appointed him ambassador to the States. That wise minister, reflecting on the unhappy issue of his former undertakings, and the fatal turn of counsels, which had occasioned it, resolved, before he embarked anew, to acquaint himself, as far as possible, with the real intentions of the king, in those popular measures, which he seemed again to have adopted. After blaming the dangerous schemes of the Cabal, which Charles was desirous to excuse, he told his majesty very plainly, that he would find it extremely difficult, if not absolutely impossible, to introduce into England the same system of government and religion, which was established in France: That the universal bent of the nation was against both; and it required ages to change the genius and sentiments of a people: That many, who were at bottom indifferent in matters of religion, would yet oppose all alterations on that head; because they considered, that nothing but force of arms could subdue the reluctance of the people against popery; after which, they knew, there could be no security for civil liberty: That in France every circumstance had long been adjusted to that system of government, and tended to its establishment and support: That the commonalty, being poor and dispirited, were of no account; the nobility, engaged by the prospect or possession of numerous

Remonstrances of Sir W. Temple.

CHAP. LXVI.

1674.

merous offices, civil and military, were entirely attached to the court; the eccleſiaſtics, retained by like motives, added the ſanction of religion to the principles of civil policy: That in England a great part of the landed property belonged either to the yeomanry or middling gentry; the king had few offices to beſtow; and could not himſelf even ſubſiſt, much leſs maintain an army, except by the voluntary ſupplies of his parliament: That if he had an army on foot, yet, if compoſed of Engliſhmen, they would never be prevailed on to promote ends, which the people ſo much feared and hated: That the Roman catholics in England were not the hundredth part of the nation, and in Scotland not the two hundredth; and it ſeemed againſt all common ſenſe to hope, by one part, to govern ninety-nine, who were of contrary ſentiments and diſpoſitions: And that foreign troops, if few, would tend only to inflame hatred and diſcontent; and how to raiſe and bring over at once, or to maintain many, it was very difficult to imagine. To theſe reaſonings Temple added the authority of Gourville, a Frenchman, for whom, he knew, the king had entertained a great eſteem. "A king "of England," ſaid Gourville, "who will be *the man* "*of his people*, is the greateſt king in the world: But if "he will be any thing more, he is nothing at all." The king heard, at firſt, this diſcourſe with ſome impatience; but being a dextrous diſſembler, he ſeemed moved at laſt, and laying his hand on Temple's, ſaid, with an appearing cordiality, "And I will be the man of my people."

TEMPLE, when he went abroad, ſoon found, that the ſcheme of mediating a peace was likely to prove abortive. The allies, beſides their jealouſy of the king's mediation, expreſſed a great ardour for the continuance of war. Holland had ſtipulated with Spain never to come to an accommodation, till all things in Flanders were reſtored to the condition, in which they had been left by the Pyrenean

nean treaty. The emperor had high pretenſions in Alſace; and as the greater part of the empire joined in the alliance, it was hoped, that France, ſo much over-matched in force, would ſoon be obliged to ſubmit to the terms demanded of her. The Dutch, indeed, oppreſſed by heavy taxes, as well as checked in their commerce, were deſirous of peace; and had few or no claims of their own to retard it: But they could not in gratitude, or even in good policy, abandon allies, to whoſe protection they had ſo lately been indebted for their ſafety. The prince of Orange likewiſe, who had great influence in their councils, was all on fire for military fame, and was well pleaſed to be at the head of armies, from which ſuch mighty ſucceſſes were expected. Under various pretences, he eluded, during the whole campaign, the meeting with Temple; and after the troops were ſent into winter-quarters, he told that miniſter, in his firſt audience, that, till greater impreſſion were made on France, reaſonable terms could not be hoped for; and it were therefore vain to negotiate.

Campaign of 1674.

THE ſucceſs of the campaign had not anſwered expectation. The prince of Orange, with a ſuperior army, was oppoſed in Flanders to the prince of Condé, and had hoped to penetrate into France by that quarter, where the frontier was then very feeble. After long endeavouring, though in vain, to bring Condé to a battle, he raſhly expoſed, at Seneffe, a wing of his army; and that active prince failed not at once to ſee and to ſeize the advantage. But this imprudence of the prince of Orange was amply compenſated by his behaviour in that obſtinate and bloody action which enſued. He rallied his diſmayed troops; he led them to the charge; he puſhed the veteran and martial troops of France; and he obliged the prince of Condé, notwithſtanding his age and character, to exert greater efforts, and to riſque his perſon more, than in any action,

where,

CHAP. LXVI.

1674. where, even during the heat of youth, he had ever commanded. After sun-set, the action was continued by the light of the moon; and it was darkness at last, not the weariness of the combatants, which put an end to the contest, and left the victory undecided. "The prince of "Orange," said Condé, with candour and generosity, "has acted in every thing like an old captain, except "venturing his life too like a young soldier." Oudenarde was afterwards invested by the prince of Orange; but he was obliged by the Imperial and Spanish generals to raise the siege on the approach of the enemy. He afterwards besieged and took Grave; and at the beginning of winter, the allied armies broke up, with great discontents and complaints on all sides.

The allies were not more successful in other places. Lewis in a few weeks reconquered Franchecomté. In Alsace, Turenne displayed, against a much superior enemy, all that military skill, which had long rendered him the most renowned captain of his age and nation. By a sudden and forced march, he attacked and beat at Sintzheim the duke of Lorrain and Caprara, general of the Imperialists. Seventy thousand Germans poured into Alsace, and took up their quarters in that province. Turenne, who had retired into Lorrain, returned unexpectedly upon them. He attacked and defeated a body of the enemy at Mulhausen. He chaced from Colmar the elector of Brandenburgh, who commanded the German troops. He gained a new advantage at Turkheim. And having dislodged all the allies, he obliged them to repass the Rhine, full of shame for their multiplied defeats, and still more, of anger and complaints against each other.

In England, all these events were considered by the people with great anxiety and concern; though the king and his ministers affected great indifference with regard to them. Considerable alterations were about this time made

made in the English ministry. Buckingham was dismissed, who had long, by his wit and entertaining humour, possessed the king's favour. Arlington, now chamberlain, and Danby the treasurer, possessed chiefly the king's confidence. Great hatred and jealousy took place between these ministers; and public affairs were somewhat disturbed by their quarrels. But Danby daily gained ground with his master. And Arlington declined in the same proportion. Danby was a frugal minister; and by his application and industry, he brought the revenue into tolerable order. He endeavoured so to conduct himself as to give offence to no party; and the consequence was, that he was able entirely to please none. He was a declared enemy to the French alliance; but never possessed authority enough to overcome the prepossessions, which the king and the duke retained towards it. It must be ascribed to the prevalence of that interest, aided by money, remitted from Paris, that the parliament was assembled so late this year; lest they should attempt to engage the king in measures against France, during the ensuing campaign. They met not till the approach of summer [a]. CHAP. LXVI. 1674. 1675. 13th April.

A parliament.

EVERY step, taken by the commons, discovered that ill humour and jealousy, to which the late open measures of the king, and his present secret attachments gave but too just foundation. They drew up a new bill against popery, and resolved to insert in it many severe clauses for the detection and prosecution of priests: They presented addresses a second time against Lauderdale; and when the king's answer was not satisfactory, they seemed still determined to persevere in their applications: An accusation was moved against Danby; but upon ex-

[a] This year, on the 25th of March, died Henry Cromwel, second son of the protector, in the 47th year of his age. He had lived unmolested in a private station, ever since the king's restoration, which he rather favoured than opposed.

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CHAP. LXVI. 1675.

amining the several articles, it was not found to contain any just reasons of a prosecution; and was therefore dropped: They applied to the king for recalling his troops from the French service; and as he only promised, that they should not be recruited, they appeared to be much dissatisfied with the answer: A bill was brought in, making it treason to levy money without authority of parliament: Another vacating the seats of such membesr as accepted of offices: Another to secure the personal liberty of the subject, and to prevent sending any person prisoner beyond sea.

Passive obedience.

THAT the court party might not be idle, during these attacks, a bill for a new test was introduced into the house of peers by the earl of Lindesey. All members of either house, and all who possessed any office, were by this bill required to swear, that it was not lawful, upon any pretence whatsoever, to take arms against the king; that they abhorred the traiterous position of taking arms by his authority against his person, or against those who were commissioned by him; and that they will not at any time endeavour the alteration of the protestant religion, or of the established government either in church or state.

GREAT opposition was made to this bill; as might be expected from the present disposition of the nation. During seventeen days, the debates were carried on with much zeal; and all the reason and learning of both parties were displayed on the occasion. The question, indeed, with regard to resistance, was a point, which entered into the controversies of the old parties, cavalier and roundhead; as it made an essential part of the present disputes between court and country. Few neuters were found in the nation: But among such as could maintain a calm indifference, there prevailed sentiments wide of those which were adopted by either party. Such persons thought, that all general, speculative declarations of the legislature,

legislature, either for or against resistance, were equally impolitic, and could serve to no other purpose, than to signalize in their turn the triumph of one faction over another: That the simplicity retained in the ancient laws of England, as well as in the laws of every other country, ought still to be preserved, and was best calculated to prevent the extremes on either side: That the absolute exclusion of resistance, in all possible cases, was founded on *false* principles; its express admission might be attended with *dangerous* consequences; and there was no necessity for exposing the public to either inconvenience: That if a choice must necessarily be made in the case, the preference of utility to truth in public institutions was apparent; nor could the supposition of resistance, beforehand and in general terms, be safely admitted in any government: That even in mixt monarchies, where that supposition seemed most requisite, it was yet entirely superfluous; since no man, on the approach of extraordinary necessity, could be at a loss, though not directed by legal declarations, to find the proper remedy: That even those who might, at a distance, and by scholastic reasoning, exclude all resistance, would yet hearken to the voice of nature; when evident ruin, both to themselves and to the public, must attend a strict adherence to their pretended principles: That the question, as it ought thus to be entirely excluded from all determinations of the legislature, was, even among private reasoners, somewhat frivolous, and little better than a dispute of words: That the one party could not pretend, that resistance ought ever to become a familiar practice; the other would surely have recourse to it in great extremities: And thus the difference could only turn on the degrees of danger or oppression, which would warrant this irregular remedy; a difference, which, in a general question, it was impossible, by any language, precisely to fix or determine.

CHAP. LXVI. 1675.

THERE

CHAP. LXVI. 1675.

THERE were many other abſurdities in this teſt, particularly that of binding men by oath not to alter the government either in church or ſtate; ſince all human inſtitutions are liable to abuſe, and require continual amendments, which are, in reality, ſo many alterations. It is not indeed poſſible to make a law, which does not innovate, more or leſs, in the government. Theſe difficulties produced ſuch obſtructions to the bill, that it was carried only by two voices in the houſe of peers. All the popiſh lords, headed by the earl of Briſtol, voted againſt it. It was ſent down to the houſe of commons, where it was likely to undergo a ſcrutiny ſtill more ſevere.

BUT a quarrel, which enſued between the two houſes, prevented the paſſing of every bill, projected during the preſent ſeſſion. One Dr. Shirley, being caſt in a law-ſuit before chancery againſt Sir John Fag, a member of the houſe of commons, preferred a petition of appeal to the houſe of peers. The Lords received it, and ſummoned Fag to appear before them. He complained to the lower houſe, who eſpouſed his cauſe. They not only maintained, that no member of their houſe could be ſummoned before the peers: They alſo aſſerted, that the upper houſe could receive no appeals from any court of equity; a pretenſion, which extremely retrenched the juriſdiction of the peers, and which was contrary to the practice that had prevailed during this whole century. The commons ſend Shirley to priſon; the lords aſſert their powers. Conferences are tried; but no accommodation enſues. Four lawyers are ſent to the Tower by the commons, for tranſgreſſing the orders of the houſe, and pleading in this cauſe before the peers. The peers denominate this arbitrary commitment a breach of the great charter, and order the lieutenant of the Tower to releaſe the priſoners: He declines obedience: They apply to the king, and deſire him to puniſh the lieutenant for his contempt.

The

The king ſummons both houſes; exhorts them to unanimity; and informs them, that the preſent quarrel had ariſen from the contrivance of his and their enemies, who expected by that means to force a diſſolution of the parliament. His advice has no effect: The commons continue as violent as ever; and the king, finding that no buſineſs could be finiſhed, at laſt prorogued the parliament. CHAP. LXVI. 1675. 8th June.

When the parliament was again aſſembled, there appeared not in any reſpect a change in the diſpoſitions of either houſe. The king deſired ſupplies, as well for the building of ſhips as for taking off anticipations, which lay upon his revenue. He even confeſſed, that he had not been altogether ſo frugal as he might have been, and as he reſolved to be for the future; though he aſſerted, that, to his great ſatisfaction, he had found his expences by no means ſo exorbitant as ſome had repreſented them. The commons took into conſideration the ſubject of ſupply. They voted 300,000 pounds for the building of ſhips; but they appropriated the ſum by very ſtrict clauſes. They paſſed a reſolution not to grant any ſupply for taking off the anticipations of the revenue [c]. This vote was carried in a full houſe, by a majority of four only: So nearly were the parties balanced. The quarrel was revived, to which Dr. Shirley's cauſe had given occaſion. The proceedings of the commons diſcovered the ſame violence as during the laſt ſeſſion. A motion was made in the houſe of peers, but rejected, for addreſſing the king to diſſolve the preſent parliament. The king contented himſelf with proroguing them to a very long term. Whether theſe quarrels between the houſes aroſe from contrivance or accident was not certainly known. Each 13th Oct. A parliament. 22d Nov.

[c] Several hiſtorians have affirmed, that the commons found, this ſeſſion, upon enquiry, that the king's revenue was 1,600,000 pounds a year, and that the neceſſary expence was but 700,000 pounds; and have appealed to the Journals for a proof. But there is not the leaſt appearance of this in the Journals; and the fact is impoſſible.

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party might, according to their different views, esteem themselves either gainers or loser by them. The court might desire to obstruct all attacks from the commons, by giving them other employment. The country party might desire the dissolution of a parliament, which, notwithstanding all disgusts, still contained too many royalists, ever to serve all the purposes of the malcontents.

Soon after the prorogation, there passed an incident, which in itself is trivial, but tends strongly to mark the genius of the English government, and of Charles's administration, during this period. The liberty of the constitution, and the variety as well as violence of the parties, had begotten a propensity for political conversation; and as the coffee-houses in particular were the scenes, where the conduct of the king and the ministry was canvassed with great freedom, a proclamation was issued to suppress these places of rendezvous. Such an act of power, during former reigns, would have been grounded entirely on the prerogative; and before the accession of the house of Stuart, no scruple would have been entertained with regard to that exercise of authority. But Charles, finding doubts to arise upon his proclamation, had recourse to the judges, who supplied him with a chicane, and that too a frivolous one, by which he might justify his proceedings. The law which settled the excise, enacted, that licences for retailing liquors might be refused to such as could not find security for payment of the duties. But coffee was not a liquor subjected to excise; and even this power of refusing licences was very limited, and could not reasonably be extended beyond the intention of the act. The king, therefore, observing the people to be much dissatisfied, yielded to a petition of the coffee-men, who promised for the future to restrain all seditious discourse in their houses; and the proclamation was recalled.

This

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1675. Campaign of 1675.

THIS campaign proved more fortunate to the confederates than any othe during the whole war. The French took the field in Flanders with a numerous army; and Lewis himself serve as a volunteer under the prince of Condé. But notwithstanding his great preparations, he could gain no advantges but the taking of Huy and Limbourg, places of small consequence. The prince of Orange with a considerale army opposed him in all his motions; and neither side was willing, without a visible advantage, to hazard a general action, which might be attended either with the entire loss of Flanders on the one hand, or the invasiorof France on the other. Lewis, tired of so unactive a campaign, returned to Versailles; and the whole summer passed in the Low-Countries without any memorable event.

TURENNE commanded on the Upper Rhine, in opposition to his great rival Montecuculi, general of the Imperialists. The object of the latter was to pass the Rhine, to penetrate intoAlsace, Lorraine, or Burgundy, and to fix his quarters in these provinces: The aim of the former was to guard the French frontiers, and to disappoint all the scheme of his enemy. The most consummate skill was displyed on both sides; and if any superiority appeared in Turenne's conduct, it was chiefly ascribed to his greater vigour of body, by which he was enabled to inspect all the posts in person, and could on the spot take the justest measures for the execution of his designs. By posting himself on the German side of the Rhine, he not only keptMontecuculi from passing that river: He had also laid his plan in so masterly a manner, that, in a few days he must have obliged the Germans to decamp, and have gained a considerable advantage over them; when a period was put to his life, by a random shot, which struck him on the breast as he was taking a view of the enemy. The consternation of his army

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was inexpreſſible. The French troops, who, a moment before, were aſſured of victory, now conſidered themſelves as entirely vanquiſhed; and the Germans, who would have been glad to compound for a ſafe retreat, expected no leſs than the total deſtruction of their enemy. But de Lorges, nephew to Turenne, ſucceeded him in the command, and poſſeſſed a great ſhare of the genius and capacity of his predeceſſor. By his ſkilful operations, the French were enabled to repaſs the Rhine, without conſiderable loſs; and this retreat was deemed equally glorious with the greateſt victory. The valour of the Engliſh troops, who were placed in the rear, greatly contributed to ſave the French army. They had been ſeized with the ſame paſſion as the native troops of France, for their brave general, and fought with ardour to revenge his death on the Germans. The duke of Marlborough, then captain Churchill, here learned the rudiments of that art, which he afterwards practiſed with ſuch fatal ſucceſs againſt France.

THE prince of Condé left the army in Flanders under the command of Luxembourg; and carrying with him a conſiderable reinforcement, ſucceeded to Turenne's command. He defended Alſace from the Germans, who had paſſed the Rhine, and invaded that province. He obliged them firſt to raiſe the ſiege of Hagenau, then that of Saberne. He eluded all their attempts to bring him to a battle. And having dexterouſly prevented them from eſtabliſhing themſelves in Alſace, he forced them, notwithſtanding their ſuperiority of numbers, to repaſs the Rhine, and to take up winter quarters in their own country.

AFTER the death of Turenne, a detachment of the German army was ſent to the ſiege of Treves: An enterprize, in which the Imperialiſts, the Spaniards, the Palatine, the duke of Lorraine, and many other princes paſſionately concurred. The project was well concerted,

and executed with vigor. Mareſchal Crequi, on the other hand, collected an army, and advanced with a view of forcing the Germans to raiſe the ſiege. They left a detachment to guard their lines, and under the command of the dukes of Zell and Oſnaburgh, marched in queſt of the enemy. At Conſarbric, they fell unexpectedly, and with ſuperior numbers, on Crequi, and put him to rout. He eſcaped with four attendants only; and throwing himſelf into Treves, reſolved, by a vigorous defence, to make atonement for his former error or misfortune. The garriſon was brave, but not abandoned to that total deſpair, by which their governor was actuated. They mutinied againſt his obſtinacy; capitulated for themſelves; and becauſe he refuſed to ſign the capitulation, they delivered him a priſoner into the hands of the enemy. CHAP. LXVI. 1675.

It is remarkable, that this defeat, given to Crequi, is almoſt the only one, which the French received at land, from Rocroi to Blenheim, during the courſe of above ſixty years; and theſe too, full of bloody wars againſt potent and martial enemies: Their victories almoſt equal the number of years during that period. Such was the vigour and good conduct of that monarchy! And ſuch too were the reſources and refined policy of the other European nations, by which they were enabled to repair their loſſes, and ſtill to confine that mighty power nearly within its ancient limits! A fifth part of theſe victories would have ſufficed, in another period, to have given to France the empire of Europe.

The Swedes had been engaged, by the payment of large ſubſidies, to take part with Lewis, and invade the territories of the elector of Brandenburgh in Pomerania. That elector, joined by ſome Imperialiſts from Sileſia, fell upon them with bravery and ſucceſs. He ſoon obliged them to evacuate his part of that country, and he purſued

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fued them into their own. He had an interview with the king of Denmark, who had now joined the confederates, and reſolved to declare war againſt Sweden. Theſe princes concerted meaſures for puſhing the victory.

To all theſe misfortunes againſt foreign enemies were added ſome domeſtic inſurrections of the common people in Guienne and Brittany. Though ſoon ſuppreſſed, they divided the force and attention of Lewis. The only advantage, gained by the French, was at ſea. Meſſina in Sicily had revolted; and a fleet under the duke de Vivonne was diſpatched to ſupport the rebels. The Dutch had ſent a ſquadron to aſſiſt the Spaniards. A battle enſued, where de Ruyter was killed. This event alone was thought equivalent to a victory.

THE French, who, twelve years before, had ſcarcely a ſhip of war in any of their harbours, had raiſed themſelves, by means of perſeverance and policy, to be, in their preſent force, though not in their reſources, the firſt maritime power in Europe. The Dutch, while in alliance with them againſt England, had ſupplied them with ſeveral veſſels, and had taught them the rudiments of the difficult art of ſhip building. The Engliſh next, when in alliance with them againſt Holland, inſtructed them in the method of fighting their ſhips, and of preſerving order in naval engagements. Lewis availed himſelf of every opportunity to aggrandize his people, while Charles, ſunk in indolence and pleaſure, neglected all the noble arts of government; or if at any time he rouſed himſelf from his lethargy, that induſtry, by reaſon of the unhappy projects which he embraced, was often more pernicious to the public than his inactivity itſelf. He was as anxious to promote the naval power of France, as if the ſafety of his crown had depended on it; and many of the plans executed in that kingdom, were firſt, it is ſaid [d], digeſted and corrected by him.

[d] Welwood, Burnet, Coke.

THE

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THE ſucceſſes of the allies had been conſiderable the laſt campaign; but the Spaniards and Imperialiſts well knew, that France was not yet ſufficiently broken, nor willing to ſubmit to the terms which they reſolved to impoſe upon her. Though they could not refuſe the king's mediation, and Nimeguen, after many difficulties, was at laſt fixed on as the place of congreſs; yet under one pretence or other, they ſtill delayed ſending their ambaſſadors, and no progreſs was made in the negociation. Lord Berkeley, Sir William Temple, and Sir Lionel Jenkins, were the Engliſh miniſters at Nimeguen. The Dutch, who were impatient for peace, ſoon appeared; Lewis, who hoped to divide the allies, and who knew, that he himſelf could neither be ſeduced nor forced into a diſadvantageous peace, ſent ambaſſadors: The Swedes, who hoped to recover by treaty what they had loſt by arms, were alſo forward to negociate. But as theſe powers could not proceed of themſelves to ſettle terms, the congreſs, hitherto, ſerved merely as an amuſement to the public.

Congreſs of Nimeguen.

IT was by the events of the campaign, not the conferences among the negotiators, that the articles of peace were to be determined. The Spaniſh towns, ill fortified and worſe defended, made but a feeble reſiſtance to Lewis; who, by laying up magazines during the winter, was able to take the field early in the ſpring, before the forage could be found in the open country. In the month of April he laid ſiege to Condé, and took it by ſtorm in four days. Having ſent the duke of Orleans to beſiege Bouchaine, a ſmall but important fortreſs, he poſted himſelf ſo advantageouſly with his main army, as to hinder the confederates from relieving it, or fighting without diſadvantage. The prince of Orange, in ſpite of the difficulties of the ſeaſon, and the want of proviſions, came in ſight of the French army; but his induſtry ſerved to no

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other purpose than to render him spectator of the surrender of Bouchaine. Both armies stood in awe of each other, and were unwilling to hazard an action, which might be attended with the most important consequences. Lewis, though he wanted not personal courage, was little enterprizing in the field; and being resolved this campaign to rest contented with the advantages which he had so early obtained, he thought proper to entrust his army to mareschal Schomberg, and retired himself to Versailles. After his departure, the prince of Orange laid siege to Maestricht; but meeting with an obstinate resistance, he was obliged, on the approach of Schomberg, who in the mean time had taken Aire, to raise the siege. He was incapable of yielding to adversity, or bending under misfortunes: But he began to foresee, that, by the negligence and errors of his allies, the war in Flanders must necessarily have a very unfortunate issue.

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On the Upper Rhine, Philipsbourg was taken by the Imperialists. In Pomerania, the Swedes were so unsuccessful against the Danes and Brandenburghers, that they seemed to be losing apace all those possessions, which, with so much valour and good fortune, they had acquired in Germany.

About the beginning of winter, the congress of Nimeguen was pretty full, and the plenipotentiaries of the emperor and Spain, two powers strictly conjoined by blood and alliance, at last appeared. The Dutch had threatened, if they absented themselves any longer, to proceed to a separate treaty with France. In the conferences and negociations, the dispositions of the parties became every day more apparent.

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The Hollanders, loaded with debts, and harassed with taxes, were desirous of putting an end to a war; in which, besides the disadvantages attending all leagues, the

the weakneſs of the Spaniards, the diviſions and delays of the Germans, prognoſticated nothing but diſgrace and misfortune. Their commerce languiſhed; and what gave them ſtill greater anxiety, the commerce of England, by reaſon of her neutrality, flouriſhed extremely; and they were apprehenſive, leſt advantages, once loſt, would never thoroughly be regained. They had themſelves no farther motive for continuing the war, than to ſecure a good frontier to Flanders; but gratitude to their allies ſtill engaged them to try, whether another campaign might procure a peace, which would give general ſatisfaction. The prince of Orange, urged by motives of honour, of ambition, and of animoſity againſt France, endeavoured to keep them ſteady to this reſolution. CHAP. LXVI. 1677.

THE Spaniards, not to mention the other incurable weakneſſes, into which their monarchy was fallen, were diſtracted with domeſtic diſſentions between the parties of the queen regent and Don John, natural brother to their young ſovereign. Though unable of themſelves to defend Flanders, they were reſolute not to conclude a peace, which would leave it expoſed to every aſſault or inroad; and while they made the moſt magnificent promiſes to the States, their real truſt was in the protection of England. They ſaw, that, if that ſmall but important territory were once ſubdued by France, the Hollanders, expoſed to ſo terrible a power, would fall into dependance, and would endeavour, by ſubmiſſions, to ward off that deſtruction, to which a war in the heart of their ſtate muſt neceſſarily expoſe them. They believed, that Lewis, ſenſible how much greater advantages he might reap from the alliance than from the ſubjection of the republic, which muſt ſcatter its people, and depreſs its commerce, would be ſatisfied with very moderate conditions, and would turn his enterprizes againſt his other neighbours. They thought it impoſſible but the people and parliament

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of England, foreseeing these obvious consequences, must at last force the king to take part in the affairs of the continent, in which their interests were so deeply concerned. And they trusted, that even the king himself, on the approach of so great a danger, must open his eyes, and sacrifice his prejudices, in favour of France, to the safety of his own dominions.

Uncertain conduct of the king.

But Charles here found himself entangled in such opposite motives and engagements, as he had not resolution enough to break, or patience to unravel. On the one hand, he always regarded his alliance with France as a sure resource in case of any commotions among his own subjects; and whatever schemes he might still retain for enlarging his authority, or altering the established religion, it was from that quarter alone he could expect assistance. He had actually in secret sold his neutrality to France, and he received remittances of a million of livres a-year, which was afterwards encreased to two millions; a considerable supply in the present embarrassed state of his revenue. And he dreaded, lest the parliament should treat him as they had formerly done his father; and after they had engaged him in a war on the continent, should take advantage of his necessities, and make him purchase supplies by sacrificing his prerogative, and abandoning his ministers.

On the other hand, the cries of his people and parliament, seconded by Danby, Arlington, and most of his ministers, incited him to take part with the allies, and to correct the unequal balance of power in Europe. He might apprehend danger from opposing such earnest desires: He might hope for large supplies if he concurred with them: And however inglorious and indolent his disposition, the renown of acting as arbiter of Europe, would probably at intervals rouze him from his lethargy, and move him to support the high character, with which he stood invested.

It

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It is worthy of obſervation, that, during this period, the king was, by every one, abroad and at home, by France and by the allies, allowed to be the undiſputed arbiter of Europe; and no terms of peace, which he would have preſcribed, could have been refuſed by either party. Though France afterwards found means to reſiſt the ſame alliance, joined with England; yet was ſhe then obliged to make ſuch violent efforts as quite exhauſted her; and it was the utmoſt neceſſity, which puſhed her to find reſources, far ſurpaſſing her own expectations. Charles was ſenſible, that, ſo long as the war continued abroad, he ſhould never enjoy eaſe at home, from the impatience and importunity of his ſubjects; yet could he not reſolve to impoſe a peace by openly joining himſelf with either party. Terms advantageous to the allies muſt loſe him the friendſhip of France: The contrary would enrage his parliament. Between theſe views, he perpetually fluctuated; and from his conduct, it is obſervable, that a careleſs, remiſs diſpoſition, agitated by oppoſite motives, is capable of as great inconſiſtencies as are incident even to the greateſt imbecillity and folly.

15th Feb. A parliament.

The parliament was aſſembled; and the king made them a plauſible ſpeech, in which he warned them againſt all differences among themſelves; expreſſed a reſolution to do his part for bringing their conſultations to a happy iſſue; and offered his conſent to any laws for the farther ſecurity of their religion, liberty, and property. He then told them of the decayed condition of the navy; and aſked money for repairing it: He informed them, that part of his revenue, the additional exciſe, was ſoon to expire: And he added theſe words, "You may at "any time ſee the yearly eſtabliſhed expence of the "government, by which it will appear, that, the con-"ſtant and unavoidable charge being paid, there will "remain no overplus towards anſwering thoſe contin-"gencies,

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"gencies, which may happen in all kingdoms, and "which have been a conſiderable burthen on me this "laſt year."

BEFORE the parliament entered upon buſineſs, they were ſtopped by a doubt, concerning the legality of their meeting. It had been enacted by an old law of Edward III. "That parliaments ſhould be held once every year, "or oftener, if need be." The laſt prorogation had been longer than a year; and being ſuppoſed on that account illegal, it was pretended to be equivalent to a diſſolution. The conſequence ſeems by no means juſt; and beſides, a later act, that which repealed the triennial law, had determined, that it was neceſſary to hold parliaments only once in three years. Such weight, however, was put on this cavil, that Buckingham, Shafteſbury, Saliſbury, and Wharton, inſiſted ſtrenuouſly in the houſe of peers on the invalidity of the parliament, and the nullity of all its future acts. For ſuch dangerous poſitions, they were ſent to the Tower, there to remain during the pleaſure of his majeſty and the houſe. Buckingham, Saliſbury, and Wharton made ſubmiſſions, and were ſoon after releaſed. But Shafteſbury, more obſtinate in his temper, and deſirous of diſtinguiſhing himſelf by his adherence to liberty, ſought the remedy of law; and being rejected by the judges, he was at laſt, after a twelvemonth's impriſonment, obliged to make the ſame ſubmiſſions; upon which he was alſo releaſed.

THE commons at firſt ſeemed to proceed with temper. They granted the ſum of 586,000 pounds, for building thirty ſhips; though they ſtrictly appropriated the money to that ſervice. Eſtimates were given in of the expence; but it was afterwards found that they fell ſhort near 100,000 pounds. They alſo voted, agreeably to the king's requeſt, the continuance of the additional exciſe for three years. This exciſe had been granted for nine

years

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years in 1668. Every thing seemed to promise a peaceable and an easy session.

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But the parliament was roused from this tranquillity by the news received from abroad. The French king had taken the field in the middle of February, and laid siege to Valenciennes, which he carried in a few days by storm. He next invested both Cambray and St. Omers. The prince of Orange, alarmed with his progress, hastily assembled an army, and marched to the relief of St. Omers. He was encountered by the French, under the duke of Orleans and mareschal Luxembourg. The prince possessed great talents for war; courage, activity, vigilance, patience; but still he was inferior in genius to those consummate generals, opposed to him by Lewis; and though he always found means to repair his losses, and to make head in a little time against the victors, he was, during his whole life, unsuccessful. By a masterly movement of Luxembourg, he was here defeated, and obliged to retreat to Ypres. Cambray and St. Omers were soon after surrendered to Lewis.

This success, derived from such great power and such wise conduct, infused a just terror into the English parliament. They addressed the king, representing the danger to which the kingdom was exposed from the greatness of France; and praying, that his majesty, by such alliances as he should think fit, would both secure his own dominions and the Spanish Netherlands, and thereby quiet the fears of his people. The king, desirous of eluding this application, which he considered as a kind of attack on his measures, replied in general terms, that he would use all means for the preservation of Flanders, consistent with the peace and safety of his kingdoms. This answer was an evasion, or rather a denial. The commons, therefore, thought proper to be more explicite. They entreated him not to defer the entering into such

alliances

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alliances as might attain that great end: And in case war with the French king should be the result of his measures, they promised to grant him all the aids and supplies, which would enable him to support the honour and intereſt of the nation. The king was also more explicite in his reply. He told them, that the only way to prevent danger, was to put him in a condition to make preparations for their security. This message was understood to be a demand of money. The parliament accordingly empowered the king to borrow on the additional excise 200,000 pounds at seven per cent.: A very small sum indeed; but which they deemed sufficient, with the ordinary revenue, to equip a good squadron, and thereby put the nation in security, till farther resolutions should be taken.

But this concession fell far short of the king's expectations. He therefore informed them, that, unless they granted him the sum of 600,000 pounds upon new funds, it would not be possible for him, without exposing the nation to manifest danger, *to speak or act those things*, which would answer the end of their several addresses. The house took this message into consideration: But before they came to any resolution, the king sent for them to Whitehall, where he told them, upon the word of a king, that they should not repent any trust, which they would repose in him for the safety of his kingdom; that he would not for any consideration break credit with them, or employ their money to other uses, than those for which they intended it; but that he would not hazard, either his own safety or theirs, by taking any vigorous measures, or forming new alliances, till he were in a better condition both to defend his subjects, and offend his enemies. This speech brought affairs to a short issue. The king required them to trust him with a large sum; He pawned his royal word for their security:

† They

They must either run the risque of losing their money, or fail of those alliances which they had projected, and at the same time declare to all the world the highest distrust of their sovereign. CHAP. LXVI. 1677.

But there were many reasons which determined the house of commons to put no trust in the king. They considered, that the pretence of danger was obviously groundless; while the French were opposed by such powerful alliances on the continent, while the king was master of a good fleet at sea, and while all his subjects were so heartily united in opposition to foreign enemies. That the only justifiable reason, therefore, of Charles's backwardness, was not the apprehension of danger from abroad, but a diffidence, which he might perhaps have entertained of his parliament; lest, after engaging him in foreign alliances for carrying on war, they should take advantage of his necessities, and extort from him concessions dangerous to his royal dignity. That this parliament, by their past conduct, had given no foundation for such suspicions, and were so far from pursuing any sinister ends, that they had granted supplies for the first Dutch war; for maintaining the triple league, though concluded without their advice; even for carrying on the second Dutch war, which was entered into contrary to their opinion, and contrary to the manifest interests of the nation. That on the other hand, the king had, by former measures, excited very reasonable jealousies in his people, and did with a bad grace require at present their trust and confidence. That he had not scrupled to demand supplies for maintaining the triple league, at the very moment he was concerting measures for breaking it, and had accordingly employed to that purpose the supplies, which he had obtained by those delusive pretences. That his union with France, during the war against Holland, must have been founded on projects the most dangerous Parliament's distrust of the king.

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to his people; and as the ſame union was ſtill ſecretly maintained, it might juſtly be feared, that the ſame projects were not yet entirely abandoned. That he could not ſeriouſly intend to proſecute vigorous meaſures againſt France; ſince he had ſo long remained entirely unconcerned during ſuch obvious dangers; and, till prompted by his parliament, whoſe proper buſineſs it was not to take the lead in thoſe parts of adminiſtration, had ſuſpended all his activity. That if he really meant to enter into a cordial union with his people, he would have taken the firſt ſtep, and have endeavoured, by putting truſt in them, to reſtore that confidence, which he himſelf, by his raſh conduct, had firſt violated. That it was in vain to aſk ſo ſmall a ſum as 600,000 pounds, in order to ſecure him againſt the future attempts of the parliament; ſince that ſum muſt ſoon be exhauſted by a war with France, and he muſt again fall into that dependance, which was become, in ſome degree, eſſential to the conſtitution. That if he would form the neceſſary alliances, that ſum, or a greater, would inſtantly be voted; nor could there be any reaſon to dread, that the parliament would immediately deſert meaſures, in which they were engaged by their honour, their inclination, and the public intereſt. That the real ground, therefore, of the king's refuſal was neither apprehenſion of danger from foreign enemies, nor jealouſy of parliamentary encroachments; but a deſire of obtaining the money, which he intended, notwithſtanding his royal word, to employ to other purpoſes. And that by uſing ſuch diſhonourable means to ſo ignoble an end, he rendered himſelf ſtill more unworthy the confidence of his people.

THE houſe of commons was now regularly divided into two parties, the court and the country. Some were liſted in the court-party by offices, nay, a few by bribes ſecretly given them; a practice firſt begun by Clifford, a dangerous

dangerous minister: But great numbers were attached merely by inclination; so far as they esteemed the measures of the court agreeable to the interests of the nation. Private views and faction had likewise drawn several into the country party: But there were also many of that party, who had no other object than the public good. These disinterested members on both sides fluctuated between the factions; and gave the superiority sometimes to the court, sometimes to the opposition [e]. In the present emergence, a general distrust of the king prevailed; and the parliament resolved not to hazard their money, in expectation of alliances, which, they believed, were never intended to be formed. Instead of granting the supply, they voted an address, wherein they "besought his ma-"jesty to enter into a league, offensive and defensive, with "the States General of the United Provinces, against "the growth and power of the French king, and for the "preservation of the Spanish Netherlands; and to make "such other alliances with the confederates as should "appear fit and useful to that end." They supported their advice with reasons; and promised speedy and effectual supplies, for preserving his majesty's honour and ensuring the safety of the public. The king pretended the highest anger at this address, which he represented as a dangerous encroachment upon his prerogative. He reproved the commons in severe terms; and ordered them immediately to be adjourned.

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It is certain, that this was the critical moment, when the king both might with ease have preserved the balance of power in Europe, which it has since cost this island a great expence of blood and treasure to restore, and might by perseverance have at last regained, in some tolerable measure, after all past errors, the confidence of his people. 8th May.

[e] Temple's Memoirs, vol. i. p. 458.

This

CHAP. LXVI. 1677. This opportunity being neglected, the wound became incurable; and notwithſtanding *his* momentary appearances of vigour againſt France and popery, and *their* momentary inclinations to rely on his faith: *he* was ſtill believed to be at bottom engaged in the ſame intereſts, and *they* ſoon relapſed into diſtruſt and jealouſy. The ſecret memoirs of this reign, which have ſince been publiſhed [f], prove beyond a doubt, that the king had at this time concerted meaſures with France, and had no intention to enter into a war in favour of the allies. He had entertained no view, therefore, even when he pawned his ROYAL WORD to his people, than to procure a grant of money; and he truſted, that, while he eluded their expectations, he could not afterwards want pretences for palliating his conduct.

NEGOTIATIONS meanwhile were carried on between France and Holland, and an eventual treaty was concluded; that is, all their differences were adjuſted, provided they could afterwards ſatisfy their allies on both ſides. This work, though in appearance difficult, ſeemed to be extremely forwarded, by farther bad ſucceſſes on the part of the confederates, and by the great impatience of the Hollanders; when a new event happened, which promiſed a more proſperous iſſue to the quarrel with France, and revived the hopes of all the Engliſh, who underſtood the intereſts of their country.

[f] Such as the letters, which paſſed betwixt Danby and Montague, the king's ambaſſador at Paris; Temple's Memoirs, and his Letters. In theſe laſt, we ſee that the king never made any propoſals of terms but what were advantageous to France, and the prince of Orange believed them to have always been concerted with the French ambaſſador. Vol. i. p. 439.

In Sir John Dalrymple's Appendix, p. 103, it appears, that the king had ſigned himſelf, without the participation of his miniſters, a ſecret treaty with France, and had obtained a penſion on the promiſe of his neutrality: A fact, which renders his *royal word*, ſolemnly given to his ſubjects, one of the moſt diſhonourable and moſt ſcandalous acts, that ever proceeded from a throne.

THE

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THE king saw, with regret, the violent discontents, which prevailed in the nation, and which seemed every day to augment upon him. Desirous by his natural temper to be easy himself, and to make every body else easy, he sought expedients to appease those murmurs, which, as they were very disagreeable for the present, might in their consequences prove extremely dangerous. He knew, that, during the late war with Holland, the malcontents at home had made applications to the prince of Orange; and if he continued still to neglect the prince's interests, and to thwart the inclinations of his own people, he apprehended lest their common complaints should cement a lasting union between them. He saw, that the religion of the duke inspired the nation with dismal apprehensions; and though he had obliged his brother to allow the young princesses to be educated in the protestant faith, something farther, he thought, was necessary, in order to satisfy the nation. He entertained, therefore, proposals for marrying the prince of Orange to the lady Mary, the elder princess, and heir apparent to the crown (for the duke had no male issue), and he hoped, by so tempting an offer, to engage him intirely in his interests. A peace he purposed to make; such as would satisfy France, and still preserve his connections with that crown: And he intended to sanctify it by the approbation of the prince, whom he found to be extremely revered in England, and respected throughout Europe. All the reasons for this alliance were seconded by the solicitations of Danby, and also of Temple, who was at that time in England: And Charles at last granted permission to the prince, when the campaign should be over, to pay him a visit. 1677.

THE king very graciously received his nephew at New-market. He would have entered immediately upon business; but the prince desired first to be acquainted with the lady Mary: And he declared, that, contrary to the 10th Oct.

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1677. usual sentiments of persons of his rank, he placed a great part of happiness in domestic satisfaction, and would not, upon any consideration of interest or politics, match himself with a person disagreeable to him. He was introduced to the princess, whom he found in the bloom of youth, and extremely amiable both in her person and her behaviour. The king now thought, that he had a double tye upon him, and might safely expect his compliance with every proposal: He was surprized to find the prince decline all discourse of business, and refuse to concert any terms for the general peace, till his marriage should be finished. He foresaw, he said, from the situation of affairs, that his allies were likely to have hard terms; and he never would expose himself to the reproach of having sacrificed their interests to promote his own purposes. Charles still believed, notwithstanding the cold, severe manner of the prince, that he would abate of this rigid punctilio of honour; and he protracted the time, hoping, by his own insinuation and address, as well as by the allurements of love and ambition, to win him to compliance. One day, Temple found the prince in very bad humour, repenting that he had ever come to England, and resolute in a few days to leave it: But before he went, the king, he said, must chuse the terms, on which they should hereafter live together: He was sure it must be like the greatest friends or the greatest enemies: And he desired Temple to inform his master next morning of these intentions. Charles was struck with this menace, and foresaw how the prince's departure would be interpreted by the people. He resolved, therefore, immediately to yield with a good grace; and having paid a compliment to his nephew's honesty, he told Temple, that the marriage was concluded, and desired him to inform the duke of it, as of an affair already resolved on. The duke seemed surprized; but yielded a prompt obe-

dience: Which, he said, was his constant maxim to whatever he found to be the king's pleasure. No measure during this reign gave such general satisfaction. All parties strove who should most applaud it. And even Arlington, who had been kept out of the secret, told the prince, "That some things good in themselves, were "spoiled by the manner of doing them, as some things "bad were mended by it; but he would confess, that "this was a thing so good in itself, that the manner of "doing it could not spoil it."

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THIS marriage was a great surprize to Lewis, who, accustomed to govern every thing in the English court, now found so important a step taken, not only without his consent, but without his knowledge or participation. A conjunction of England with the allies, and a vigorous war in opposition to French ambition, were the consequences immediately expected, both abroad and at home: But to check these sanguine hopes, the king, a few days after the marriage, prolonged the adjournment of the parliament from the third of December to the fourth of April. This term was too late for granting supplies, or making preparations for war; and could be chosen by the king for no other reason, than as an atonement to France for his consent to the marriage. It appears also that Charles secretly received from Lewis the sum of two millions of livres on account of this important service [a].

THE king, however, entered into consultations with the prince, together with Danby and Temple, concerning the terms which it would be proper to require of France. After some debate, it was agreed, that France should restore Lorrain to the duke; with Tournay, Valenciennes, Condé, Aeth, Charleroi, Courtray, Oudenarde, and Binche to Spain, in order to form a good frontier for the Low Countries. The prince insisted that Franchecomté should likewise be restored; and

Plan of peace.

[a] Sir John Dalrymple's Appendix, p. 112.

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Charles thought, that, becauſe he had patrimonial eſtates of great value in that province, and deemed his property more ſecure in the hands of Spain, he was engaged by ſuch views to be obſtinate in that point: But the prince declared, that to procure but one good town to the Spaniards in Flanders, he would willingly relinquiſh all thoſe poſſeſſions. As the king ſtill inſiſted on the impoſſibility of wreſting Franchecomté from Lewis, the prince was obliged to acquieſce.

NOTWITHSTANDING this conceſſion to France, the projected peace was favourable to the allies; and it was a ſufficient indication of vigour in the king, that he had given his aſſent to it. He farther agreed to ſend over a miniſter inſtantly to Paris, in order to propoſe theſe terms. This miniſter was to enter into no treaty: He was to allow but two days for the acceptance or refuſal of the terms: Upon the expiration of theſe, he was preſently to return: And in caſe of refuſal, the king promiſed to enter immediately into the confederacy. To carry ſo imperious a meſſage, and ſo little expected from the Engliſh court, Temple was the perſon pitched on, whoſe declared averſion to the French intereſt was not likely to make him fail of vigour and promptitude in the execution of his commiſſion.

BUT Charles next day felt a relenting in this aſſumed vigour. Inſtead of Temple he diſpatched the earl of Feverſham, a creature of the duke's, and a Frenchman by birth: And he ſaid, that the meſſage being harſh in itſelf, it was needleſs to aggravate it by a diſagreeable meſſenger. The prince left London; and the king, at his departure, aſſured him, that he never would abate in the leaſt point of the ſcheme concerted, and would enter into war with Lewis, if he rejected it.

Negociations.

LEWIS received the meſſage with ſeeming gentleneſs and complacency. He told Feverſham, that the king of England well knew, that he might always be maſter of the

the peace; but some of the towns in Flanders, it seemed very hard to demand, especially Tournay, upon whose fortifications such immense sums had been expended: He would therefore take some short time to consider of an answer. Feversham said, that he was limited to two days stay: But when that time was elapsed, he was prevailed on to remain some few days longer; and he came away at last without any positive answer. Lewis said, that he hoped his brother would not break with him for one or two towns: And with regard to them too, he would send orders to his ambassador at London to treat with the king himself. Charles was softened by the softness of France; and the blow was thus artfully eluded. The French ambassador, Barillon, owned at last, that he had orders to yield all except Tournay, and even to treat about some equivalent for that fortress, if the king absolutely insisted upon it. The prince was gone, who had given spirit to the English court; and the negociation began to draw out into messages and returns from Paris. CHAP. LXVI. 1677.

By intervals, however, the king could rouze himself, and show still some firmness and resolution. Finding that affairs were not likely to come to any conclusion with France, he summoned, notwithstanding the long adjournment, the parliament on the fifteenth of January; an unusual measure, and capable of giving alarm to the French court. Temple was sent for to the council, and the king told him, that he intended he should go to Holland, in order to form a treaty of alliance with the States; and that the purpose of it should be, like the triple league, to force both France and Spain to accept of the terms proposed. Temple was sorry to find this act of vigour qualified by such a regard to France, and by such an appearance of indifference and neutrality between the parties. He told the king, that the resolution agreed on, was to begin the war in conjunction with all the confe-

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derates, in case of no direct and immediate answer from France: That this measure would satisfy the prince, the allies, and the people of England; advantages which could not be expected from such an alliance with Holland alone: That France would be disobliged, and Spain likewise; nor would the Dutch be satisfied with such a faint imitation of the triple league, a measure concerted when they were equally at peace with both parties. For these reasons, Temple declined the employment; and Lawrence Hyde, second son of chancellor Clarendon, was sent in his place.

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1678. The Prince of Orange could not regard without contempt such symptoms of weakness and vigour onjoined in the English counsels. He was resolved, however, to make the best of a measure, which he did not approve; and as Spain secretly consented, that her ally should form a league, which was seemingly directed against her as well as France, but which was to fall only on the latter,

6th Jan. the States concluded the treaty in the terms proposed by the king.

28th Jan. Meanwhile, the English parliament met, after some new adjournments; and the king was astonished, that, notwithstanding the resolute measures, which, he thought, he had taken, great distrust and jealousy and discontent were apt, at intervals, still to prevail among the members. Though in his speech he had allowed, that a good peace could no longer be expected from negociation, and assured them, that he was resolved to enter into a war for that purpose; the commons did not forbear to insert in their reply several harsh and even unreasonable clauses. Upon his reproving them, they seemed penitent, and voted, that they would assist his majesty in the prosecution of the war. A fleet of ninety sail, an army of thirty thousand men, and a million of money were also voted.

Great

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Great difficulties were made by the commons with regard to the army, which the houſe, judging by paſt meaſures, believed to be intended more againſt the liberties of England than againſt the progreſs of the French Monarch. To this perilous ſituation had the king reduced both himſelf and the nation. In all debates, ſevere ſpeeches were made, and were received with ſeeming approbation: The duke and the treaſurer began to be apprehenſive of impeachments: Many motions againſt the king's miniſters were loſt by a ſmall majority: The commons appointed a day to conſider the ſtate of the kingdom with regard to popery: And they even went ſo far as to vote, that, how urgent ſoever the occaſion, they would lay no farther charge on the people, till ſecured againſt the prevalence of the catholic party. In ſhort, the parliament was impatient for war whenever the king ſeemed averſe to it; but grew ſuſpicious of ſome ſiniſter deſign as ſoon as he complied with their requeſts, and ſeemed to enter into their meaſures.

THE king was enraged at this laſt vote: He reproached Temple with his popular notions, as he termed them; and aſked him how he thought the houſe of commons could be truſted for carrying on the war, ſhould it be entered on, when in the very commencement they made ſuch declarations. The uncertainties indeed of Charles's conduct were ſo multiplied, and the jealouſies on both ſides ſo incurable, that even thoſe, who approached neareſt the ſcene of action, could not determine, whether the king ever ſeriouſly meant to enter into a war, or whether, if he did, the houſe of commons would not have taken advantage of his neceſſities, and made him purchaſe ſupplies by a great ſacrifice of his authority [g].

THE king of France knew how to avail himſelf of all the advantages, which theſe diſtractions afforded him.

[g] Temple, vol. i. p. 461.

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1678. By his emiſſaries, he repreſented to the Dutch, the imprudence of their depending on England; where an indolent king, averſe to all war, eſpecially with France, and irreſolute in his meaſures, was actuated only by the uncertain breath of a factious parliament. To the ariſtocratical party, he remarked the danger of the prince's alliance with the royal family of England, and revived their apprehenſions; leſt, in imitation of his father, who had been honoured with the ſame alliance, he ſhould violently attempt to enlarge his authority, and enſlave his native country. In order to enforce theſe motives with farther terrors, he himſelf took the field very early in the ſpring; and after threatning Luxembourg, Mons, and Namur, he ſuddenly ſat down before Ghent and Ypres, and in a few weeks made himſelf maſter of both places. This ſucceſs gave great alarm to the Hollanders, who were no wiſe ſatisfied with the conduct of England, or with the ambiguous treaty lately concluded; and it quickened all their advances towards an accommodation.

Campaign of 1678.

IMMEDIATELY after the parliament had voted the ſupply, the king began to inliſt forces; and ſuch was the ardour of the Engliſh for a war with France, that an army of above 20,000 men, to the aſtoniſhment of Europe, was completed in a few weeks. Three thouſand men under the duke of Monmouth, were ſent over to ſecure Oſtend: Some regiments were recalled from the French ſervice: A fleet was fitted out with great diligence: And a quadruple alliance was projected between England, Holland, Spain, and the Emperor.

BUT theſe vigorous meaſures received a ſudden damp from a paſſionate addreſs of the lower houſe; in which they juſtified all their paſt proceedings, that had given diſguſt to the king; deſired to be acquainted with the meaſures taken by him; prayed him to diſmiſs evil counſellors; and named in particular the duke of Lauderdale,

on whose removal they strenuously insisted. The king told them, that their address was so extravagant, that he was not willing speedily to give it the answer, which it deserved. And he began again to lend an ear to the proposals of Lewis, who offered him great sums of money, if he would consent to France's making an advantageous peace with the allies. CHAP. LXVI. 1678.

Negotiations. TEMPLE, though pressed by the king, refused to have any concern in so dishonourable a negotiation: But he informs us, that the king said, there was one article proposed, which so incensed him, that, as long as he lived, he should never forget it. Sir William goes no farther; but the editor of his works, the famous Dr. Swift, says, that the French, before they would agree to any payment, required as a preliminary, that the king should engage never to keep above 8000 regular troops in Great Britain [a]. Charles broke into a passion. "Cod's-fish," said he, his usual oath, "does my bro-"ther of France think to serve me thus? Are all his "promises to make me absolute master of my people "come to this? Or does he think *that* a thing to be done "with eight thousand men?"

VAN BEVERNING was the Dutch ambassador at Nimeguen, a man of great authority with the States. He was eager for peace, and was persuaded, that the reluctance of the king and the jealousies of the parliament would for ever disappoint the allies in their hopes of succour from England. Orders were sent him by the States to go to the French king at Ghent, and to concert the terms of a general treaty, as well as procure a present truce for six weeks. The terms agreed on were much worse for the Spaniards, than those which had been planned by the king and the prince of Orange. Six towns, some of

[a] To wit, 3000 men for Scotland, and the usual guards and garrisons in England, amounting to near 5000 men. Sir J. Dalrymple's App. p. 161.

them

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them of no great importance, were to be reſtored to them: But Ypres, Condé, Valenciennes, and Tournay, in which conſiſted the chief ſtrength of their frontier, were to remain with France.

GREAT murmurs aroſe in England when it was known, that Flanders was to be left in ſo defenceleſs a condition. The chief complaints were levelled againſt the king, who, by his concurrence at firſt, by his favour afterwards, and by his delays at laſt, had raiſed the power of France to ſuch an enormous height, that it threatened the general liberties of Europe. Charles, uneaſy under theſe imputations, dreading the conſequence of loſing the affections of his ſubjects, and perhaps diſguſted with the ſecret article propoſed by France, began to wiſh heartily for war, which, he hoped, would have reſtored him to his ancient popularity.

AN opportunity unexpectedly offered itſelf for his diſplaying theſe new diſpoſitions. While the miniſters at Nimeguen were concerting the terms of a general treaty, the marquis de Balbaces, the Spaniſh ambaſſador, aſked the ambaſſadors of France, at what time France intended to reſtore the ſix towns in Flanders. They made no difficulty in declaring, that the king, their maſter, being obliged to ſee an entire reſtitution made to the Swedes of all they had loſt in the war, could not evacuate theſe towns till that crown had received ſatisfaction; and that this detention of places was the only means to induce the powers of the north to accept of the peace.

THE States immediately gave the king intelligence of a pretenſion, which might be attended with ſuch dangerous conſequences. The king was both ſurpriſed and angry. He immediately diſpatched Temple to concert with the States vigorous meaſures for oppoſing France. Temple in ſix days concluded a treaty, by which Lewis was obliged to declare within ſixteen days after the date,

26th July.

that

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that he would preſently evacuate the towns: And in caſe of his refuſal, Holland was bound to continue the war, and England to declare immediately againſt France, in conjunction with the whole confederacy.

ALL theſe warlike meaſures were ſo ill ſeconded by the parliament, where even the French miniſters were ſuſpected, with reaſon [a], of carrying on ſome intrigues, that the commons renewed their former jealouſies againſt the king, and voted the army immediately to be diſbanded.

[a] Sir John Dalrymple, in his Appendix, has given us, from Barillon's diſpatches in the Secretary's office at Paris, a more particular detail of theſe intrigues. They were carried on with lord Ruſſel, lord Hollis, lord Berkſhire, the duke of Buckingham, Algernon Sydney, Montague, Bulſtrode, col. Titus, ſir Edward Harley, ſir John Baber, ſir Roger Hill, Boſcawen, Littleton, Powle, Harbord, Hambden, ſir Thomas Armſtrong, Hotham, Herbert, and ſome others of leſs note. Of theſe, lord Ruſſel and lord Hollis alone refuſed to touch any French money: All the others received preſents or bribes from Barillon. But we are to remark, that the party views of theſe men, and their well-founded jealouſies of the king and duke, engaged them, independently of the money, into the ſame meaſures that were ſuggeſted to them by the French ambaſſador. The intrigues of France, therefore, with the parliament were a mighty ſmall engine in the political machine. Thoſe with the king, which have always been known, were of infinitely greater conſequence. The ſums diſtributed to all theſe men, excepting Montague, did not exceed 16,000 pounds in three years; and therefore could have little weight in the two houſes, eſpecially when oppoſed to the influence of the crown. Accordingly we find, in all Barillon's diſpatches, a great anxiety that the parliament ſhould never be aſſembled. The conduct of theſe Engliſh patriots was more mean than criminal; and monſieur Courten ſays, that two hundred thouſand livres employed by the Spaniards and Germans, would have more influence than two millions diſtributed by France. See Sir J. Dalrymple's App. p. 111. It is amuſing to obſerve the general, and I may ſay national, rage excited by the late diſcovery of this ſecret negotiation; chiefly on account of Algernon Sydney, whom the blind prejudices of party had exalted into a hero. His ingratitude and breach of faith, in applying for the king's pardon, and immediately on his return entering into cabals for rebellion, form a conduct much more criminal than the taking of French gold: Yet the former circumſtance was always known, and always diſregarded. But every thing connected with France is ſuppoſed, in England, to be polluted beyond all poſſibility of expiation. Even lord Ruſſel, whoſe conduct in this negotiation was only factious, and that in an ordinary degree, is imagined to be diſhonoured by the ſame diſcovery.

The

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The king by a meſſage repreſented the danger of diſarming before peace were finally concluded; and he recommended to their conſideration, whether he could honourably recal his forces from thoſe towns in Flanders, which were put under his protection, and which had at preſent no other means of defence. The commons agreed to prolong the term with regard to theſe forces. Every thing indeed in Europe bore the appearance of war. France had poſitively declared, that ſhe would not evacuate the ſix towns before the requiſite ceſſion was made to Sweden; and her honour ſeemed now engaged to ſupport that declaration. Spain and the Empire, diſguſted with the terms of peace impoſed by Holland, ſaw with pleaſure the proſpect of a powerful ſupport from the new reſolutions of Charles. Holland itſelf, encouraged by the prince of Orangé and his party, was not diſpleaſed to find, that the war would be renewed on more equal terms. The allied army under that prince was approaching towards Mons, then blockaded by France. A conſiderable body of Engliſh under the duke of Monmouth, was ready to join him.

CHARLES uſually paſſed a great part of his time in the women's apartments, particularly thoſe of the ducheſs of Portſmouth; where, among other gay company, he often met with Barillon, the French ambaſſador, a man of polite converſation, who was admitted into all the amuſements of that inglorious, but agreeable monarch. It was the charms of this ſauntering, eaſy life, which, during his later years, attached Charles to his miſtreſſes. By the inſinuations of Barillon and the ducheſs of Portſmouth, an order was, in an unguarded hour, procured, which inſtantly changed the face of affairs in Europe. One du Cros, a French fugitive monk, was ſent to Temple, directing him to apply to the Swediſh ambaſſador, and perſuade him not to inſiſt on the conditions required by France, but to ſacrifice to general peace thoſe

intereſts

interests of Sweden. Du Cros, who had secretly received instructions from Barillon, published every where in Holland the commission with which he was intrusted; and all men took the alarm. It was concluded, that Charles's sudden alacrity for war was as suddenly extinguished, and that no steady measures could ever be taken with England. The king afterwards, when he saw Temple, treated this important matter in raillery; and said laughing, that the rogue du Cros had outwitted them all. CHAP. LXVI. 1678.

THE negotiations however at Nimeguen still continued; and the French ambassadors spun out the time, till the morning of the critical day, which, by the late treaty between England and Holland, was to determine, whether a sudden peace or a long war were to have place in Christendom. The French ambassadors came then to Van Beverning, and told him, that they had received orders to consent to the evacuation of the towns, and immediately to conclude and sign the peace. Van Beverning might have refused compliance, because it was now impossible to procure the consent and concurrence of Spain; but he had entertained so just an idea of the fluctuations in the English counsels, and was so much alarmed by the late commission given to du Cros, that he deemed it fortunate for the republic to finish on any terms a dangerous war, where they were likely to be very ill supported. The papers were instantly drawn, and signed by the ministers of France and Holland between eleven and twelve o'clock at night. By this treaty, France secured the possession of Franchecomté, together with Cambray, Aire, St. Omers, Valenciennes, Tournay, Ypres, Bouchaine, Cassel, &c. and restored to Spain only Charleroi, Courtrai, Oudenard, Aeth, Ghent, and Limbourg. 1st August.

NEXT day Temple received an express from England, which brought the ratifications of the treaty lately concluded

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cluded with the States, together with orders immediately to proceed to the exchange of them. Charles was now returned to his former inclinations for war with France.

VAN BEVERNING was loudly exclaimed againſt by the ambaſſadors of the allies at Nimeguen eſpecially thoſe of Brandenburg and Denmark, whoſe naſters were obliged by the treaty to reſtore all their acquiſitions. The miniſters of Spain and the emperor were ſullen and diſguſted; and all men hoped, that the States, importuned and encouraged by continual ſolicitations from England, would diſavow their ambaſſador, and renew the war. The prince of Orange even took an extraordinary ſtep, in order to engage them to that meaſure; or perhaps to give vent to his own ſpleen and reſentment. The day after ſigning the peace at Nimeguen, he attacked the French army at St. Dennis near Mons; and gained ſome advantage over Luxembourg, who reſted ſecure on the faith of the treaty, and concluded the war to be finiſhed. The prince knew, at leaſt had reaſon to believe, that the peace was ſigned, though it had not been formally notified to him; and he here ſacrificed wantonly, without a proper motive, the lives of many brave men on both ſides, who fell in this ſharp and well conteſted action.

HYDE was ſent over with a view of perſuading the States to diſavow Van Beverning; and the king promiſed, that England, if ſhe might depend on Holland, would immediately declare war, and would purſue it till France were reduced to reaſonable conditions. Charles at preſent went farther than words. He hurried on the embarkation of his army for Flanders; and all his preparations wore a hoſtile appearance. But the States had been too often deceived to truſt him any longer. They ratified the treaty ſigned at Nimeguen; and all the other powers of Europe were at laſt, after much clamour and

many

many disgists, obliged to accept of the terms prescribed to them. CHAP. LXVI.

1678. Peace of Nimeguen.

Lewis had now reached the height of that glory, which ambition can afford. His ministers and negotiators appeared as much superior to those of all Europe in the cabinet, as his generals and armies had been experienced in the field. A successful war had been carried on against an alliance, composed of the greatest potentates in Europe. Considerable conquests had been made, and his territories enlarged on every side. An advantageous peace was at last concluded, where he had given the law. The allies were so enraged against each other, that they were not likely to cement soon in any new confederacy. And thus he had, during some years, a real prospect of attaining the monarchy of Europe, and of exceeding the empire of Charlemagne, perhaps equalling that of ancient Rome. Had England continued much longer in the same condition, and under the same government, it is not easy to conceive that he could have failed of his purpose.

In propotion as these circumstances exalted the French, they excited indignation among the English, whose animosity, roized by terror, mounted to a great height against thatrival nation. Instead of taking the lead in the affairs of Europe, Charles, they thought, had, contrary to his own honour and interest, acted a part entirely subservient to the common enemy; and in all his measures had either no project at all, or such as was highly criminal and dangerous. While Spain, Holland, the emperor, the princes of Germany called aloud on England to leadthem to victory and to liberty, and conspired to raise her to a station more glorious than she had ever before attained; her king, from mean pecuniary motives, had secretly sold his alliance to Lewis, and was bribed into an interest contrary to that of his people. His active schemes in conjunction with France were highly pernicious;

CHAP. LXVI. 1668.

nicious; his neutrality was equally ignominious; and the jealous, refractory behaviour of the parliament, though in itself dangerous, was the only remedy for so many greater ills, with which the public, from the misguided counsels of the king, was so nearly threatened. Such were the dispositions of men's minds at the conclusion of the peace of Nimeguen: And these dispositions naturally prepared the way for the events which followed.

State of affairs in Scotlnd.

We must now return to the affairs of Scotland, which we left in some disorder, after the suppression of the insurrection in 1666. The king, who at that time endeavoured to render himself popular in England, adopted like measures in Scotland; and he entrusted the government into the hands chiefly of Tweddale, and Sir Robert Murray, men of prudence and moderation. These ministers made it their principal object to compose the religious differences, which ran high, and for which scarcely any modern nation but the Dutch, had as yet found the proper remedy. As rigour and restraint had failed of success in Scotland, a scheme of *comprehension* was tried; by which it was intended to diminish greatly the authority of bishops, to abolish their negative voice in the ecclesiastical courts, and to leave them little more than the right of precedency among the presbyters. But the presbyterian zealots entertained great jealousy against this scheme. They remembered, that, by such gradual steps, king James had endeavoured to introduce episcopacy. Should the ears and eyes of men be once reconciled to the name and habit of bishops, the whole power of the function, they dreaded, would soon follow: The least communication with unlawful and antichristian institutions they esteemed dangerous and criminal: *Touch not, taste not, handle not*; this cry went out amongst them: And the king's ministers at last perceived, that they should prostitute the dignity of government, by making advances,

vances, to which the malcontents were determined not to correſpond. CHAP. LVI. 1678.

THE next project adopted was that of *indulgence*. In proſecution of this ſcheme, the moſt popular of the expelled preachers, without requiring any terms of ſubmiſſion to the eſtabliſhed religion, were ſettled in vacant churches; and ſmall ſalaries of about twenty pounds a-year were offered to the reſt, till they ſhould otherwiſe be provided for. Theſe laſt refuſed the king's bounty, which they conſidered as the wages of a criminal ſilence. Even the former ſoon repented their compliance. The people, who had been accuſtomed to hear them rail againſt their ſuperiors, and preach to the times, as they termed it, deemed their ſermons languid and ſpiritleſs, when deprived of theſe ornaments. Their uſual gifts, they thought, had left them, on account of their ſubmiſſion, which was ſtigmatized as eraſtianiſm. They gave them the appellation, not of miniſters of Chriſt, but of *the king's curates*; as the clergy of the eſtabliſhed church were commonly denominated the *biſhop's curates*. The preachers themſelves returned in a little time to their former practices, by which they hoped to regain their former dominion over the minds of men. The conventicles multiplied daily in the weſt: The clergy of the eſtabliſhed church were inſulted: The laws were neglected: The covenanters even met daily in arms at their places of worſhip: And though they uſually diſperſed themſelves after divine ſervice, yet the government took a juſt alarm at ſeeing men, who were ſo entirely governed by their ſeditious teachers, dare to ſet authority at defiance, and during a time of full peace, to put themſelves in a military poſture.

THERE was here, it is apparent, in the political body, a diſeaſe dangerous and inveterate; and the government had tried every remedy, but the true one, to allay and correct it. An unlimited *toleration*, after ſects have

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diffused themselves and are strongly rooted, is the only expedient, which can allay their fervour, and make the civil union acquire a superiority above religious distinctions. But as the operations of this regimen are commonly gradual, and at first imperceptible, vulgar politicians are apt, for that reason, to have recourse to more hasty and more dangerous remedies. It is observable too, that these non-conformists in Scotland neither offered nor demanded toleration; but laid claim to an entire superiority, and to the exercise of extreme rigour against their adversaries. The covenant, which they idolized, was a persecuting, as well as a seditious band of confederacy; and the government, instead of treating them like madmen, who should be soothed, and flattered, and deceived into tranquillity, thought themselves intitled to a rigid obedience, and were too apt, from a mistaken policy, to retaliate upon the dissenters, who had erred from the spirit of enthusiasm.

AMIDST these disturbances, a new parliament was assembled at Edinburgh [h]; and Lauderdale was sent down commissioner. The zealous presbyterians, who were the chief patrons of liberty, were too obnoxious to resist, with any success, the measures of government; and in parliament the tide still ran strongly in favour of monarchy. The commissioner had such influence as to get two acts passed, which were of great consequence to the ecclesiastical and civil liberties of the kingdom. By the one, it was declared, that the settling of all things with regard to the external government of the church was a right of the crown: That whatever related to ecclesiastical meetings, matters, and persons, was to be ordered, according to such directions as the king should send to his privy council: And that these, being published by them, should have the force of laws. The other act regarded

[h] 19th of October, 1669.

the militia, which the king by his own authority had two years before eſtabliſhed, inſtead of the army which was diſbanded. By this act, the militia was ſettled, to the number of 22000 men, who were to be conſtantly armed, and regularly diſciplined. And it was farther enacted, that theſe troops ſhould be held in readineſs to march into England, Ireland, or any part of the king's dominions, for any cauſe in which his majeſty's authority, power, or greatneſs was concerned; on receiving orders, not from the king himſelf, but from the privy council of Scotland. CHAP. LXVI. 1673.

LAUDERDALE boaſted extremely of his ſervices in procuring theſe two laws. The king by the former was rendered abſolute maſter of the church, and might legally, by his edict, re-eſtabliſh, if he thought proper, the catholic religion in Scotland. By the latter he ſaw a powerful force ready at his call: He had even the advantage of being able to diſguiſe his orders under the name of the privy council; and in caſe of failure in his enterprizes, could, by ſuch a pretence, apologize for his conduct to the parliament of England. But in proportion as theſe laws were agreeable to the king, they gave alarm to the Engliſh commons, and were the chief cauſe of the redoubled attacks, which they made upon Lauderdale. Theſe attacks, however, ſerved only to fortify him in his intereſt with the king; and though it is probable, that the militia of Scotland, during the divided ſtate of that kingdom, would, if matters had come to extremities, have been of little ſervice againſt England; yet did Charles regard the credit of it as a conſiderable ſupport to his authority: And Lauderdale, by degrees, became the prime or rather ſole miniſter for Scotland. The natural indolence of the king diſpoſed him to place entire confidence in a man, who had ſo far extended the royal prerogative, and who was ſtill diſpoſed to render it abſolutely uncontroulable.

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1678. In a subsequent session of the same parliament [i], a severe law was enacted against conventicles. Ruinous fines were imposed both on the preachers and hearers, even if the meetings had been in houses; but field conventicles were subjected to the penalty of death and confiscation of goods: Four hundred marks Scotch were offered as a reward to those who should seize the criminals; and they were indemnified for any slaughter, which they might commit in the execution of such an undertaking. And as it was found difficult to get evidence against these conventicles, however numerous, it was enacted by another law, that, whoever, being required by the council, refused to give information upon oath, should be punished by arbitrary fines, by imprisonment, or by banishment to the plantations. Thus all persecution naturally, or rather necessarily, adopts the iniquities, as well as rigours, of the inquisition. What a considerable part of the society consider as their duty and honour, and even many of the opposite party are apt to regard with compassion and indulgence, can by no other expedient be subjected to such severe penalties as the natural sentiments of mankind appropriate only to the greatest crimes.

Though Lauderdale found this ready compliance in the parliament, a party was formed against him, of which duke Hamilton was the head. This nobleman, with Tweddale, and others, went to London, and applied to the king, who, during the present depression and insignificance of parliament, was alone able to correct the abuses of Lauderdale's administration. But even their complaints to him might be dangerous; and all approaches of truth to the throne were barred by the ridiculous law against leasing-making; a law, which seems to have been extorted by the ancient nobles, in order to protect their own tyranny, oppression, and

[i] 28th of July, 1670.

injuſtice. Great precautions, therefore, were uſed by the Scottiſh malcontents in their repreſentations to the king; but no redreſs was obtained. Charles loaded them with careſſes, and continued Lauderdale in his authority. CHAP. LXVI. 1678.

A VERY bad, at leaſt a ſevere uſe was made of this authority. The privy council diſpoſſeſſed twelve gentlemen or noblemen of their houſes [k]; which were converted into ſo many garriſons, eſtabliſhed for the ſuppreſſion of conventicles. The nation, it was pretended, was really, on account of theſe religious aſſemblies, in a ſtate of war; and by the ancient law, the king, in ſuch an emergence, was empowered to place a garriſon in any houſe, where he ſhould judge it expedient.

IT were endleſs to recount every act of violence and arbitrary authority exerciſed during Lauderdale's adminiſtration. All the lawyers were put from the bar, nay, baniſhed by the king's order twelve miles from the capital, and by that means the whole juſtice of the kingdom was ſuſpended for a year; till theſe lawyers were brought to declare it as their opinion, that all appeals to parliament were illegal. A letter was procured from the king, for expelling twelve of the chief magiſtrates of Edinburgh, and declaring them incapable of all public office; though their only crime had been their want of compliance with Lauderdale. The burroughs of Scotland have a privilege of meeting once a-year by their deputies in order to conſider the ſtate of trade, and make bye laws for its regulation: In this convention a petition was voted, complaining of ſome late acts, which obſtructed commerce, and praying the king, that he would impower his commiſſioner, in the next ſeſſion of parliament, to give his aſſent for repealing them. For this preſumption, as it was called, ſeveral of the members were fined and impri-

[k] In 1675.

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soned. One More, a member of parliament, having moved in the house, that, in imtation of the English parliament, no bill should pass except after three readings, he was, for this pretended offene, immediately sent to prison by the commissioner.

THE private deportment of Lauderdale was as insolent and provoking as his public admnistration was violent and tyrannical. Justice likewise was universally perverted by faction and interest: And fron the great rapacity of that duke, and still more of his d tchess, all offices and favours were openly put to sale. No-one was allowed to approach the throne who was ot dependant on him; and no remedy could be hoped foror obtained against his manifold oppressions. The case of Mitchel shows, that this minister was as much destituteof truth and honour as of lenity and justice.

MITCHEL was a desperate fanaic, and had entertained a resolution of assassinating Shane, archbishop of St. Andrews, who, by his former apostasy and subsequent rigour, had rendered himself exremely odious to the covenanters. In the year 1668, Mitchel fired a pistol at the primate, as he was sitting i his coach; but the bishop of Orkney, stepping into the coach, happened to stretch out his arm, which intercoted the ball, and was much shattered by it. This happened in the principal street of the city; but so generaly was the archbishop hated, that the assassin was alloved peaceably to walk off; and having turned a street or two, and thrown off a wig, which disguised him, he immediately appeared in public, and remained altogether unsuspected. Some years after, Sharpe remarked one, who seemed to eye him very eagerly; and being still anxious, lest an attempt of assassination should be renewed, heordered the man to be seized and examined. Two loaed pistols were found upon him; and as he was now concluded to be the author

author of the former attempt, Sharpe promiſed, that, if he would confeſs his guilt, he ſhould be diſmiſſed without any puniſhment. Mitchel (for the conjecture was juſt), was ſo credulous as to believe him; but was immediately produced before the council by the faithleſs primate. The council, having no proof againſt him, but hoping to involve the whole body of covenanters in this odious crime, ſolemnly renewed the promiſe of pardon, if he would make a full diſcovery; and it was a great diſappointment to them, when they found, upon his confeſſion, that only one perſon, who was now dead, had been acquainted with his bloody purpoſe. Mitchel was then carried before a court of judicature, and required to renew his confeſſion; but being apprehenſive, leſt, tho' a pardon for life had been promiſed him, other corporal puniſhment might ſtill be inflicted, he refuſed compliance; and was ſent back to priſon. He was next examined before the council, under pretence of his being concerned in the inſurrection at Pentland; and though no proof appeared againſt him, he was put to the queſtion, and, contrary to the moſt obvious principles of equity, was urged to accuſe himſelf. He endured the torture with ſingular reſolution, and continued obſtinate in the denial of a crime, of which, it is believed, he really was not guilty. Inſtead of obtaining his liberty, he was ſent to the Baſs, a very high rock, ſurrounded by the ſea; at this time converted into a ſtate priſon, and full of the unhappy covenanters. He there remained in great miſery, loaded with irons; till the year 1677, when it was reſolved, by ſome new examples to ſtrike a freſh terror into the perſecuted, but ſtill obſtinate enthuſiaſts. Mitchel was then brought before a court of judicature, and put upon his trial, for an attempt to aſſaſſinate an archbiſhop and a privy counſellor. His former confeſſion was pleaded againſt him, and was

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1678. proved by the teſtimony of the duke of Lauderdale, lord commiſſioner, lord Hatton his brother, the earl of Rothes, and the primate himſelf. Mitchel, beſides maintaining that the privy counſel was no court of judicature, and that a confeſſion before them was not judicial, aſſerted, that he had been engaged to make that confeſſion by a ſolemn promiſe of pardon. The four privy counſellors denied upon oath, that any ſuch promiſe had ever been given. The priſoner then deſired, that the council books might be produced in court; and even offered a copy of that day's proceedings to be read; but the privy counſellors maintained, that, after they had made oath, no farther proof could be admitted, and that the books of council contained the king's ſecrets, which were on no account to be divulged. They were not probably aware, when they ſwore, that the clerk having engroſſed the promiſe of pardon in the narrative of Mitchel's confeſſion, the whole minute had been ſigned by the chancellor, and that the proofs of their perjury were by that means committed to record. Though the priſoner was condemned, Lauderdale was ſtill inclined to pardon him; but the unrelenting primate rigorouſly inſiſted upon his execution, and ſaid, that, if aſſaſſins remained unpuniſhed, his life muſt be expoſed to perpetual danger. Mitchel was accordingly executed at Edinburgh in January 1678. Such a complication of cruelty and treachery ſhews the character of thoſe miniſters, to whom the king had, at this time, entruſted the government of Scotland.

LAUDERDALE's adminiſtration, beſides the iniquities ariſing from the violence of his temper, and the ſtill greater iniquities inſeparable from all projects of perſecution, was attended with other circumſtances, which engaged him in ſevere and arbitrary meaſures. An abſolute government was to be introduced, which on its commencement

commencement is often moſt rigorous; and tyranny was ſtill obliged, for want of military power, to cover itſelf under an appearance of law; a ſituation which rendered it extremely aukward in its motions, and by provoking oppoſition, extended the violence of its oppreſſions. CHAP. LXVI. 1678.

THE rigours exerciſed againſt conventicles, inſtead of breaking the ſpirit of the fanatics, had tended only, as is uſual, to render them more obſtinate, to encreaſe the fervour of their zeal, to link them more cloſely together, and to inflame them againſt the eſtabliſhed hierarchy. The commonalty, almoſt every where in the ſouth, particularly in the weſtern counties, frequented conventicles without reſerve; and the gentry, though they themſelves commonly abſtained from theſe illegal places of worſhip, connived at this irregularity in their inferiors. In order to intereſt the former on the ſide of the perſecutors, a bond or contract was by order of the privy council tendered to the landlords in the weſt, by which they were to engage for the good behaviour of their tenants; and in caſe any tenant frequented a conventicle, the landlord was to ſubject himſelf to the ſame fine as could by law be exacted from the delinquent. It was ridiculous to give ſanction to laws by voluntary contracts: It was iniquitous to make one man anſwerable for the conduct of another: It was illegal to impoſe ſuch hard conditions upon men, who had no wiſe offended. For theſe reaſons, the greater part of the gentry refuſed to ſign theſe bonds; and Lauderdale, enraged at this oppoſition, endeavoured to break their ſpirit by expedients, which were ſtill more unuſual and more arbitrary.

THE law enacted againſt conventicles, had called them ſeminaries of rebellion. This expreſſion, which was nothing but a flouriſh of rhetoric, Lauderdale and the privy council were willing to underſtand in a literal ſenſe; and becauſe the weſtern counties abounded in conventicles,

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conventicles, though otherwiſe in profound peace, they pretended that theſe counties were in a ſtate of actual war and rebellion. They made therefore an agreement with ſome highland chieftains to call out their clans, to the number of 8000 men: To theſe they joined the guards, and the militia of Angus: And they ſent the whole to live at free quarters upon the lands of ſuch as had refuſed the bonds illegally required of them. The obnoxious counties were the moſt populous and moſt induſtrious in Scotland. The highlanders were the people the moſt diſorderly and the leaſt civilized. It is eaſy to imagine the havoc and deſtruction which enſued. A multitude, not accuſtomed to diſcipline, averſe to the reſtraint of laws, trained up in rapine and violence, were let looſe amidſt thoſe whom they were taught to regard as enemies to their prince and to their religion. Nothing eſcaped their ravenous hands: By menaces, by violence, and ſometimes by tortures, men were obliged to diſcover their concealed wealth. Neither age, nor ſex, nor innocence afforded protection: And the gentry, finding that even thoſe who had been moſt compliant, and who had ſubſcribed the bonds, were equally expoſed to the rapacity of thoſe barbarians, confirmed themſelves ſtill more in the reſolution of refuſing them. The voice of the nation was raiſed againſt this enormous outrage; and after two months free quarter, the highlanders were ſent back to their hills, loaded with the ſpoils and execrations of the weſt.

THOSE who had been engaged to ſubſcribe the bonds, could find no ſecurity but by turning out ſuch tenants as they ſuſpected of an inclination to conventicles, and thereby depopulating their eſtates. To encreaſe the miſery of theſe unhappy farmers, the council enacted, that none ſhould be received any where, or allowed a habitation, who brought not a certificate of his conformity

formity from the parish-minister. That the obstinate and refractory might not escape farther persecution, a new device was fallen upon. By the law of Scotland, any man, who should go before a magistrate, and swear that he thought himself in danger from another, might obtain a writ of *law-burrows*, as it is called; by which the latter was bound, under the penalty of imprisonment and outlawry, to find security for his good behaviour. Lauderdale entertained the absurd notion of making the king sue out writs of law-burrows against his subjects. On this pretence, the refusers of the bonds were summoned to appear before the council, and were required to bind themselves, under the penalty of two years' rent, neither to frequent conventicles themselves, nor allow their family and tenants to be present at those unlawful assemblies. Thus chicanery was joined to tyranny; and the majesty of the king, instead of being exalted, was in reality prostituted; as if he were obliged to seek the same security, which one neighbour might require of another. CHAP. LXVI. 1678.

It was an old law, but seldom executed, that a man, who was accused of any crime, and did not appear, in order to stand his trial, might be *intercommuned*, that is, he might be publicly outlawed; and whoever afterwards, either on account of business, relation, nay charity, had the least intercourse with him, was subjected to the same penalties as could by law be inflicted on the criminal himself. Several writs of intercommuning were now issued against the hearers and preachers in conventicles; and by this severe and even absurd law, crimes and guilt went on multiplying in a geometrical proportion. Where laws themselves are so violent, it is no wonder that an administration should be tyrannical.

Lest the cry of an oppressed people should reach the throne, the council forbad, under severe penalties, all noblemen

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noblemen or gentlemen of landed property to leave the kingdom: A ſevere edict, eſpecially where the ſovereign himſelf reſided in a foreign country. Notwithſtanding this act of council, Caſſils firſt, afterwards Hamilton and Tweddale, went to London, and laid their complaints before the king. Theſe violent proceedings of Lauderdale were oppoſite to the natural temper of Charles; and he immediately iſſued orders for diſcontinuing the bonds and the writs of law-burrows. But as he was commonly little touched with what lay at a diſtance, he entertained not the proper indignation againſt thoſe who had abuſed his authority: Even while he retracted theſe oppreſſive meaſures, he was prevailed with to avow and praiſe them in a letter, which he wrote to the privy council. This proof of confidence might fortify the hands of the miniſtry; but the king ran a manifeſt riſque of loſing the affections of his ſubjects, by not permitting, even thoſe who were deſirous of it, to diſtinguiſh between him and their oppreſſors.

IT is reported [1], that Charles, after a full hearing of the debates concerning Scottiſh affairs, ſaid, "I perceive, that Lauderdale has been guilty of many bad "things againſt the people of Scotland; but I cannot "find, that he has acted any thing contrary to my in-"tereſt." A ſentiment unworthy of a ſovereign!

DURING the abſence of Hamilton and the other diſcontented lords, the king allowed Lauderdale to ſummon a convention of eſtates at Edinburgh. This aſſembly, beſides granting ſome money, beſtowed applauſe on all Lauderdale's adminiſtration, and in their addreſſes to the king, expreſſed the higheſt contentment and ſatisfaction. But theſe inſtances of complaiſance had the contrary effect in England from what was expected by the con-

[1] Burnet.

trivers

trivers of them. All men there concluded, that in Scotland the very voice of liberty was totally ſuppreſſed; and that, by the prevalence of tyranny, grievances were ſo rivetted, that it was become dangerous even to mention them, or complain to the prince, who alone was able to redreſs them. From the ſlavery of the neighbouring kingdom, they inferred the arbitrary diſpoſition of the king; and from the violence with which ſovereign power was there exerciſed, they apprehended the miſeries, which might enſue to themſelves upon their loſs of liberty. If perſecution, it was aſked, by a proteſtant church could be carried to ſuch extremes, what might be dreaded from the prevalence of popery, which had ever, in all ages, made open profeſſion of exterminating by fire and ſword every oppoſite ſect or communion? And if the firſt approaches towards unlimited authority were ſo tyrannical, how diſmal its final eſtabliſhment; when all dread of oppoſition ſhall at laſt be removed by mercenary armies, and all ſenſe of ſhame by long and inveterate habit?

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The popiſh plot——Oates's narrative——and character——Coleman's letters——Godfrey's murder——General conſternation——The parliament——Zeal of the parliament——Bedloe's narrative——Accuſation of Danby——His impeachment——Diſſolution of the long parliament——Its character——Trial of Coleman——Of Ireland——New elections——Duke of Monmouth——Duke of York retires to Bruſſels——New parliament——Danby's impeachment——Popiſh plot——New council——Limitations on a popiſh ſucceſſor——Bill of excluſion——Habeas corpus bill——Prorogation and diſſolution of the parliament——Trial and execution of the five jeſuits——And of Langhorne——Wakeman acquitted——State of affairs in Scotland——Battle of Bothwel bridge.

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THE Engliſh nation, ever ſince the fatal league with France, had entertained violent jealouſies againſt the court; and the ſubſequent meaſures, adopted by the king, had tended more to encreaſe than cure the general prejudices. Some myſterious deſign was ſtill ſuſpected in every enterprize and profeſſion: Arbitrary power and popery were apprehended as the ſcope of all projects: Each breath or rumour made the people ſtart with anxiety: Their enemies, they thought, were in their very boſom, and had gotten poſſeſſion of their ſovereign's confidence. While in this timorous, jealous diſpoſition, the

the cry of a *plot* all on a ſudden ſtruck their ears: They were wakened from their ſlumber; and like men affrightened and in the dark, took every figure for a ſpectre. The terror of each man became the ſource of terror to another. And an univerſal panic being diffuſed, reaſon and argument and common ſenſe and common humanity loſt all influence over them. From this diſpoſition of men's minds we are to account for the progreſs of the POPISH PLOT, and the credit given to it; an event, which would otherwiſe appear prodigious and altogether inexplicable. CHAP. LXVII. 1678. The Popiſh plot.

ON the 12th of Auguſt, one Kirby, a chemiſt, accoſted the king, as he was walking in the park: "Sir," ſaid he, "keep within the company: Your enemies have "a deſign upon your life; and you may be ſhot in this "very walk." Being aſked the reaſon of theſe ſtrange ſpeeches, he ſaid, that two men, called Grove and Pickering, had engaged to ſhoot the king, and Sir George Wakeman, the queen's phyſician, to poiſon him. This intelligence, he added, had been communicated to him by doctor Tongue; whom, if permitted, he would introduce to his majeſty. Tongue was a divine of the church of England; a man active, reſtleſs, full of projects, void of underſtanding. He brought papers to the king, which contained information of a plot, and were digeſted into forty-three articles. The king, not having leiſure to peruſe them, ſent them to the treaſurer, Danby, and ordered the two informers to lay the buſineſs before that miniſter. Tongue confeſſed to Danby, that he himſelf had not drawn the papers, that they had been ſecretly thruſt under his door, and that, though he ſuſpected, he did not certainly know, who was the author. After a few days, he returned, and told the treaſurer, that his ſuſpicions, he found, were juſt; and that the author of the intelligence, whom he had met twice or thrice

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thrice in the ſtreet, had acknowledged the whole matter, and had given him a more particular account of the conſpiracy, but deſired, that his name might be concealed, being apprehenſive leſt the papiſts ſhould murder him.

THE information was renewed with regard to Grove's and Pickering's intentions of ſhooting the king; and Tongue even pretended, that, at a particular time, they were to ſet out for Windſor with that intention. Orders were given for arreſting them, as ſoon as they ſhould appear in that place: But though this alarm was more than once renewed, ſome frivolous reaſons were ſtill found by Tongue for their having delayed the journey. And the king concluded, both from theſe evaſions, and from the myſterious, artificial manner of communicating the intelligence, that the whole was an impoſture.

TONGUE came next to the treaſurer, and told him, that a pacquet of letters, written by jeſuits concerned in the plot, was that night to be put into the poſt-houſe for Windſor, directed to Bennifield, a jeſuit, confeſſor to the duke. When this intelligence was conveyed to the king, he replied, that the pacquet mentioned had a few hours before been brought to the duke by Bennifield; who ſaid, that he ſuſpected ſome bad deſign upon him, that the letters ſeemed to contain matters of a dangerous import, and that he knew them not to be the hand-writing of the perſons whoſe names were ſubſcribed to them. This incident ſtill farther confirmed the king in his incredulity.

THE matter had probably ſleeped for ever, had it not been for the anxiety of the duke; who, hearing that prieſts and jeſuits and even his own confeſſor had been accuſed, was deſirous, that a thorough enquiry ſhould be made by the council into the pretended conſpiracy. Kirby, and Tongue were enquired after, and were now found to be living in cloſe connection with Titus Oates, the perſon who was ſaid to have conveyed the firſt intelligence

ligence to Tongue. Oates affirmed, that he had fallen under ſuſpicion with the Jeſuits; that he had received three blows with a ſtick, and a box on the ear from the provincial of that order, for revealing their conſpiracy; And that, over-hearing them ſpeak of their intentions to puniſh him more ſeverely he had withdrawn, and concealed himſelf. This man, in whoſe breaſt was lodged a ſecret, involving the fate of kings and kingdoms, was allowed to remain in ſuch neceſſity, that Kirby was obliged to ſupply him with daily bread; and it was a joyful ſurprize to him, when he heard, that the council was at laſt diſpoſed to take ſome notice of his intelligence. But as he expected more encouragement from the public, than from the king or his miniſters, he thought proper, before he was preſented to the council, to go with his two companions to Sir Edmondſbury Godfrey, a noted and active juſtice of peace, and to give evidence before him of all the articles of the conſpiracy.

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THE wonderful intelligence, which Oates conveyed both to Godfrey and the council, and afterwards to the parliament, was to this purpoſe [m]. The pope, he ſaid, on examining the matter in the congregation *de propaganda*, had found himſelf entitled to the poſſeſſion of England and Ireland on account of the hereſy of prince and people, and had accordingly aſſumed the ſovereignty of theſe kingdoms. This ſupreme power he had thought proper to delegate to the ſociety of Jeſuits; and de Oliva, general of that order, in conſequence of the papal grant, had exerted every act of regal authority, and particularly had ſupplied, by commiſſions under the ſeal of the ſociety, all the chief offices, both civil and military. Lord Arundel was created chancellor, lord Powis treaſurer, Sir William Godolphin privy ſeal, Coleman ſecretary of ſtate, Langhorne attorney general, lord Bellaſis

Oates's narrative.

[m] Oates's narrative.

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general of the papal army, lord Peters lieutenant general, lord Stafford pay-maſter; and inferior commiſſions, ſigned by the provincial of the Jeſuits, were diſtributed all over England. All the dignities too of the church were filled, and many of them with Spaniards and other foreigners. The provincial had held a conſult of the Jeſuits under his authority; where the king, whom they opprobriouſly called the Black Baſtard, was ſolemnly tried and condemned as a heretic; and a reſolution taken to put him to death. Father Le Shee (for ſo this great plotter and informer called father la Chaiſe, the noted confeſſor of the French king) had conſigned in London ten thouſand pounds to be paid to any man, who ſhould merit it by this aſſaſſination. A Spaniſh provincial had expreſſed like liberality: The prior of the Benedictines was willing to go the length of ſix thouſand: The Dominicans approved of the action; but pleaded poverty. Ten thouſand pounds had been offered to Sir George Wakeman, the queen's phyſician, who demanded fifteen thouſand, as a reward for ſo great a ſervice: His demand was complied with; and five thouſand had been paid him by advance. Leſt this means ſhould fail, four Iriſh ruffians had been hired by the Jeſuits, at the rate of twenty guineas a-piece, to ſtab the king at Windſor; and Coleman, ſecretary to the late ducheſs of York, had given the meſſenger, who carried them orders, a guinea to quicken his diligence. Grove and Pickering were alſo employed to ſhoot the king with ſilver bullets: The former was to receive the ſum of fifteen hundred pounds; the latter, being a pious man, was to be rewarded with thirty thouſand maſſes, which, eſtimating maſſes at a ſhilling a-piece, amounted to a like value. Pickering would have executed his purpoſe, had not the flint at one time dropped out of his piſtol, at another time the priming. Coniers, the Jeſuit, had bought a knife at the

price

price of ten shillings, which, he thought, was not dear, considering the purpose for which he intended it, to wit, stabbing the king. Letters of subscription were circulated among the catholics all over England to raise a sum for the same purpose. No less than fifty Jesuits had met in May last, at the White-horse tavern, where it was unanimously agreed to put the king to death. This synod did afterwards, for more convenience, divide themselves into many lesser cabals or companies; and Oates was employed to carry notes and letters from one to another, all tending to the same end, of murthering the king. He even carried, from one company to another, a paper, in which they formally expressed their resolution of executing that deed; and it was regularly subscribed by all of them. A wager of a hundred pounds was laid, and stakes made, that the king should eat no more Christmas pyes. In short, it was determined, to use the expression of a Jesuit, that if he would not become R. C. (Roman Catholic) he should no longer be C. R. (Charles Rex.) The great fire of London had been the work of the Jesuits, who had employed eighty or eighty-six persons for that purpose, and had expended seven hundred fire-balls; but they had a good return for their money; for they had been able to pilfer goods from the fire to the amount of fourteen thousand pounds: The Jesuits had also raised another fire on St. Margaret's Hill, whence they had stolen goods to the value of two thousand pounds; Another at Southwark: And it was determined in like manner to burn all the chief cities in England. A paper model was already framed for the firing of London; the stations were regularly marked out, where the several fires were to commence; and the whole plan of operations was so concerted, that precautions were taken by the Jesuits to vary their measures, according to the variation of the wind. Fire-balls were familiarly called among

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them Teuxbury muſtard pills; and were ſaid to contain a notable biting ſauce. In the great fire, it had been determined to murther the king; but he had diſplayed ſuch diligence and humanity in extinguiſhing the flames, that even the Jeſuits relented, and ſpared his life. Beſides theſe aſſaſſinations and fires; inſurrections, rebellions, and maſſacres were projected by that religious order in all the three kingdoms. There were twenty thouſand catholics in London, who would riſe in four-and-twenty hours or leſs; and Jenniſon, a Jeſuit, ſaid, that they mighty eaſily cut the throats of a hundred thouſand proteſtants. Eight thouſand catholics had agreed to take arms in Scotland. Ormond was to be murthered by four Jeſuits; a general maſſacre of the Iriſh proteſtants was concerted; and forty thouſand black bills were already provided for that purpoſe. Coleman had remitted two hundred thouſand pounds to promote the rebellion in Ireland; and the French king was to land a great army in that iſland. Poole, who wrote the Synopſis, was particularly marked out for aſſaſſination; as was alſo Dr. Stillingfleet, a controverſial writer againſt the papiſts. Burnet tells us, that Oates paid him the ſame compliment. After all this havoc, the crown was to be offered to the duke, but on the following conditions; that he receive it as a gift from the pope; that he confirm all the papal commiſſions for offices and employments; that he ratify all paſt tranſactions, by pardoning the incendiaries, and the murderers of his brother and of the people; and that he conſent to the utter extirpation of the proteſtant religion. If he refuſe theſe conditions, he himſelf was immediately to be poiſoned or aſſaſſinated. *To pot James muſt go*; according to the expreſſion aſcribed by Oates to the Jeſuits.

OATES, the informer of this dreadful plot, was himſelf the moſt infamous of mankind. He was the ſon of an

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an anabaptiſt preacher, chaplain to colonel Pride; but having taken orders in the church, he had been ſettled in a ſmall living by the duke of Norfolk. He had been indicted for perjury; and by ſome means had eſcaped. He was afterwards a chaplain on board the fleet; whence he had been diſmiſſed on complaint of ſome unnatural practices, not fit to be named. He then became a convert to the catholics; but he afterwards boaſted, that his converſion was a mere pretence, in order to get into their ſecrets and to betray them [n]. He was ſent over to the Jeſuits' college at St. Omers, and though above thirty years of age, he there lived ſome time among the ſtudents. He was diſpatched on an errand to Spain; and thence returned to St. Omers; where the Jeſuits, heartily tired of their convert, at laſt diſmiſſed him from their ſeminary. It is likely, that, from reſentment of this uſage, as well as from want and indigence, he was induced, in combination with Tongue, to contrive that plot, of which he accuſed the catholics.

THIS abandoned man, when examined before the council, betrayed his impoſtures in ſuch a manner, as would have utterly diſcredited the moſt conſiſtent ſtory, and the moſt reputable evidence. While in Spain, he had been carried, he ſaid, to Don John, who promiſed great aſſiſtance to the execution of the catholic deſigns. The king aſked him, what ſort of a man Don John was: He anſwered, a tall lean man; directly contrary to truth, as the king well knew [o]. He totally miſtook the ſituation of the Jeſuits' college at Paris [p]. Though he pretended great intimacies with Coleman, he knew him not, when placed very near him; and had no other excuſe than that his ſight was bad in candle-light [q]. He fell into like miſtakes with regard to Wakeman.

[n] Burnet, Echard, North, L'Eſtrange, &c. [o] Burnet, North.
[p] North. [q] Burnet, North, Trials.

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NOTWITHSTANDING theſe objections, great attention was paid to Oates's evidence, and the plot became very ſoon the ſubject of converſation, and even the object of terror to the people. The violent animoſity, which had been excited againſt the catholics in general, made the public ſwallow the groſſeſt abſurdities when they accompanied an accuſation of thoſe religioniſts: And the more diabolical any contrivance appeared, the better it ſuited the tremendous idea entertained of a Jeſuit. Danby likewiſe, who ſtood in oppoſition to the French and catholic intereſt at court, was willing to encourage every ſtory, which might ſerve to diſcredit that party. By his ſuggeſtion, when a warrant was ſigned for arreſting Coleman, there was inſerted a clauſe for ſeizing his papers; a circumſtance attended with the moſt important conſequences.

Coleman's letters.

COLEMAN, partly on his own account, partly by orders from the duke, had been engaged in a correſpondence with father la Chaiſe, with the pope's nuncio at Bruſſels, and with other catholics abroad; and being himſelf a fiery zealot, buſy and ſanguine, the expreſſions in his letters often betrayed great violence and indiſcretion. His correſpondence, during the years 1674, 1675, and part of 1676, was ſeized, and contained many extraordinary paſſages. In particular he ſaid to la Chaiſe, "We have here a mighty work upon our hands, no leſs "than the converſion of three kingdoms, and by that "perhaps the utter ſubduing of a peſtilent hereſy, which "has a long time domineered over a great part of this "northern world. There were never ſuch hopes of "ſucceſs, ſince the days of queen Mary, as now in our "days. God has given us a prince," meaning the duke, "who is become (may I ſay a miracle) zealous of being "the author and inſtrument of ſo glorious a work; but "the oppoſition we are ſure to meet with is alſo like to

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" be great: So that it imports us to get all the aid and " assistance we can." In another letter he said, " I can " scarce believe myself awake, or the thing real, when " I think of a prince in such an age as we live in, con- " verted to such a degree of zeal and piety, as not to " regard any thing in the world in comparison of God " Almighty's glory, the salvation of his own soul, and " the conversion of our poor kingdom." In other passages the interests of the crown of England, those of the French king, and those of the catholic religion are spoken of as inseparable. The duke is also said to have connected his interests unalterably with those of Lewis. The king himself, he affirms, is always inclined to favour the catholics, when he may do it without hazard. " Money," Coleman adds, " cannot fail of persuading " the king to any thing. There is nothing it cannot " make him do, were it ever so much to his prejudice. " It has such an absolute power over him, that he can- " not resist it. Logic, built upon money, has in our " court more powerful charms than any other sort of " argument." For these reasons, he proposed to father la Chaise, that the French king should remit the sum of 300,000 pounds, on condition that the parliament be dissolved; a measure, to which, he affirmed, the king was, of himself, sufficiently inclined, were it not for his hopes of obtaining money from that assembly. The parliament, he said, had already constrained the king to make peace with Holland, contrary to the interests of the catholic religion, and of his most christian majesty: And if they should meet again, they would surely engage him farther, even to the making of war against France. It appears also from the same letters, that the assembling of the parliament so late as April in the year 1675, had been procured by the intrigues of the catholic and French party, who thereby intended to show the Dutch and their

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confederates, that they could expect no assistance from England.

1678. When the contents of these letters were publicly known, they diffused the panic, with which the nation began already to be seized on account of the popish plot. Men reasoned more from their fears and their passions than from the evidence before them. It is certain, that the restless and enterprizing spirit of the catholic church, particularly of the Jesuits, merits attention, and is, in some degree, dangerous to every other communion. Such zeal of proselytism actuates that sect, that its missionaries have penetrated into every nation of the globe; and, in one sense, there is a *popish plot* perpetually carrying on against all states, protestant, pagan, and mahometan. It is likewise very probable, that the conversion of the duke, and the favour of the king had inspired the catholic priests with new hopes of recovering in these islands their lost dominion, and gave fresh vigour to that intemperate zeal, by which they are commonly actuated. Their first aim was to obtain a toleration; and such was the evidence, they believed, of their theological tenets, that, could they but procure entire liberty, they must infallibly in time open the eyes of the people. After they had converted considerable numbers, they might be enabled, they hoped, to reinstate themselves in full authority, and entirely to suppress that heresy, with which the kingdom had so long been infected. Though these dangers to the protestant religion were distant, it was justly the object of great concern to find, that the heir of the crown was so blinded with bigotry, and so deeply engaged in foreign interests; and that the king himself had been prevailed on, from low interests, to hearken to his dangerous insinuations. Very bad consequences might ensue from such perverse habits and attachments; nor could the nation and par-

parliament guard against them with too anxious a precaution. But that the Roman pontiff could hope to assume the sovereignty of these kingdoms; a project, which, even during the darkness of the eleventh and twelfth centuries, would have appeared chimerical: That he should delegate this authority to the Jesuits; that order in the Romish church, which was the most hated: That a massacre could be attempted of the protestants, who surpased the catholics a hundred fold, and were invested with the whole authority of the state: That the king himself was to be assassinated, and even the duke, the only support of their party: These were such absurdities as no human testimony was sufficient to prove; much less the evidence of one man, who was noted for infamy, and who could not keep himself, every moment, from falling into the grossest inconsistencies. Did such intelligence deserve even so much attention as to be refuted, it would appear, that Coleman's letters were sufficient alone to destroy all its credit. For how could so long a train of correspondence be carried on, by a man so much trusted by the party; and yet no traces of insurrections, if really intended, of fires, massacres, assassinations, invasions, be ever discovered in any single passage of these letters? But all such reflections, and many more, equally obvious, were vainly employed against that general prepossession, with which the nation was seized. Oates's plot and Coleman's were universally confounded together: And the evidence of the latter being unquestionable, the belief of the former, aided by the passions of hatred and of terror, took possession of the whole people.

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THERE was danger, however, lest time might open the eyes of the public; when the murther of Godfrey completed the general delusion, and rendered the prejudices of the nation absolutely incurable. This magistrate had been missing some days; and after much search, and

17th Oct. Godfrey's murther.

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many ſurmiſes, his body was found lying in a ditch at Primroſe-hill: The marks of ſtrangling were thought to appear about his neck, and ſome contuſions on his breaſt: His own ſword was ſticking in the body; but as no conſiderable quantity of blood enſued on drawing it, it was concluded, that it had been thruſt in after his death, and that he had not killed himſelf: He had rings on his fingers and money in his pocket: It was therefore inferred, that he had not fallen into the hands of robbers. Without farther reaſoning, the cry roſe, that he had been aſſaſſinated by the papiſts, on account of his taking Oates's evidence. This clamour was quickly propagated, and met with univerſal belief. The panic ſpread itſelf on every ſide with infinite rapidity; and all men, aſtoniſhed with fear, and animated with rage, ſaw in Godfrey's fate all the horrible deſigns aſcribed to the Catholics; and no farther doubt remained of Oates's veracity. The voice of the nation united againſt that hated ſect; and notwithſtanding that the bloody conſpiracy was ſuppoſed to be now detected, men could ſcarcely be perſuaded, that their lives were yet in ſafety. Each hour teemed with new rumours and ſurmizes. Invaſions from abroad, inſurrections at home, even private murthers and poiſonings were apprehended. To deny the reality of the plot was to be an accomplice: To heſitate was criminal: Royaliſt, Republican; Churchman, Sectary; Courtier, Patriot; all parties concurred in the illuſion. The city prepared for its defence, as if the enemy were at its gates: The chains and poſts were put up: And it was a noted ſaying at that time of Sir Thomas Player, the chamberlain, that, were it not for theſe precautions, all the citizens might riſe next morning with their throats cut [r].

General conſternation.

In order to propagate the popular frenzy, ſeveral artifices were employed. The dead body of Godfrey was

[r] North, p. 206.

carried

carried into the city, attended by vaſt multitudes. It was publicly expoſed in the ſtreets, and viewed by all ranks of men; and every one, who ſaw it, went away inflamed, as well by the mutual contagion of ſentiments, as by the diſmal ſpectacle itſelf. The funeral pomp was celebrated with great parade. The corpſe was conducted through the chief ſtreets of the city: Seventy-two clergymen marched before: Above a thouſand perſons of diſtinction followed after: And at the funeral-ſermon, two able-bodied divines mounted the pulpit, and ſtood on each ſide of the preacher, leſt, in paying the laſt duties to this unhappy magiſtrate, he ſhould, before the whole people, be murthered by the Papiſts [a].

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In this diſpoſition of the nation, reaſon could no more be heard than a whiſper in the midſt of the moſt violent hurricane. Even at preſent, Godfrey's murther can ſcarcely, upon any ſyſtem, be rationally accounted for. That he was aſſaſſinated by the Catholics, ſeems utterly improbable. Theſe religioniſts could not be engaged to commit that crime from *policy*, in order to deter other magiſtrates from acting againſt them. Godfrey's fate was no wiſe capable of producing that effect, unleſs it were publicly known, that the Catholics were his murtherers; an opinion, which, it was eaſy to foreſee, muſt prove the ruin of their party. Beſides, how many magiſtrates, during more than a century, had acted in the moſt violent manner againſt the Catholics, without its being ever ſuſpected, that any one had been cut off by aſſaſſination? Such jealous times as the preſent were ſurely ill fitted for beginning theſe dangerous experiments. Shall we therefore ſay, that the Catholics were puſhed on, not by policy, but by blind *revenge* againſt Godfrey? But Godfrey had given them little or no occaſion of offence in taking Oates's evidence. His part was merely an act of

[a] North, p. 205.

form,

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form, belonging to his office; nor could he, or any man in his ſtation, poſſibly refuſe it. In the reſt of his conduct, he lived on good terms with the Catholics, and was far from diſtinguiſhing himſelf by his ſeverity againſt that ſect. It is even certain, that he had contracted an intimacy with Coleman, and took care to inform his friend of the danger, to which, by reaſon of Oates's evidence, he was at preſent expoſed.

THERE are ſome writers, who, finding it impoſſible to account for Godfrey's murther by the machinations of the Catholics, have recourſe to the oppoſite ſuppoſition. They lay hold of that obvious preſumption, that thoſe commit the crime who reap advantage by it; and they affirm that it was Shafteſbury and the heads of the popular party, who perpetrated that deed, in order to throw the odium of it on the Papiſts. If this ſuppoſition be received, it muſt alſo be admitted, that the whole plot was the contrivance of thoſe politicians; and that Oates acted altogether under their direction. But it appears, that Oates, dreading probably the oppoſition of powerful enemies, had very anxiouſly acquitted the duke, Danby, Ormond, and all the miniſtry; perſons who were certainly the moſt obnoxious to the popular leaders. Beſides, the whole texture of the plot contains ſuch low abſurdity, that it is impoſſible to have been the invention of any man of ſenſe or education. It is true, the more monſtrous and horrible the conſpiracy, the better was it fitted to terrify, and thence to convince, the populace: But this effect, we may ſafely ſay, no one could before-hand have expected; and a fool was in this caſe more likely to ſucceed than a wiſe man. Had Shafteſbury laid the plan of a popiſh conſpiracy, he had probably rendered it moderate, conſiſtent, credible; and on that very account had never met with the prodigious ſucceſs, with which Oates's tremendous fictions were attended.

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We muſt, therefore be contented to remain for ever ignorant of the actors in Godfrey's murther; and only pronounce in general, that that event, in all likelihood, had no connexion, one way or other, with the popiſh plot. Any man, eſpecially ſo active a magiſtrate as Godfrey, might, in ſuch a city as London, have many enemies, of whom his friends and family had no ſuſpicion. He was a melancholy man; and there is ſome reaſon, notwithſtanding the pretended appearances to the contrary, to ſuſpect that he fell by his own hands. The affair was never examined with tranquillity, or even with common ſenſe, during the time; and it is impoſſible for us, at this diſtance, certainly to account for it.

No one doubted but the papiſts had aſſaſſinated Godfrey; but ſtill the particular actors were unknown. A proclamation was iſſued by the king, offering a pardon and a reward of five hundred pounds to any one who ſhould diſcover them. As it was afterwards ſurmized, that the terror of a like aſſaſſination would prevent diſcovery, a new proclamation was iſſued, promiſing abſolute protection to any one who ſhould reveal the ſecret. Thus were indemnity, money, and ſecurity offered to the faireſt bidder: And no one needed to fear, during the preſent fury of the people, that his evidence would undergo too ſevere a ſcrutiny.

21ſt Octob. The parliament.

While the nation was in this ferment, the parliament was aſſembled. In his ſpeech the king told them, that, though they had given money for diſbanding the army [t], he had found Flanders ſo expoſed, that he had thought it neceſſary ſtill to keep them on foot, and doubted not but this meaſure would meet with their approbation. He informed them, that his revenue lay under great anticipa-

[t] They had granted him 600,000 pounds for diſbanding the army, for reimburſing the charges of his naval armament, and for paying the princeſs of Orange's portion.

tions,

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tions, and at beſt was never equal to the conſtant and neceſſary expence of government; as would appear from the ſtate of it, which he intended to lay before them. He alſo mentioned the plot, formed againſt his life by Jeſuits; but ſaid, that he would forbear delivering any opinion of the matter, leſt he ſhould ſeem to ſay too much or too little; and that he would leave the ſcrutiny of it entirely to the law.

THE king was anxious to keep the queſtion of the popiſh plot from the parliament; where, he ſuſpected, many deſigning people would very much abuſe the preſent credulity of the nation: But Danby, who hated the catholics, and courted popularity, and perhaps hoped, that the king, if his life were believed in danger from the Jeſuits, would be more cordially loved by the nation, had entertained oppoſite deſigns; and the very firſt day of the ſeſſion, he opened the matter in the houſe of peers. The king was extremely diſpleaſed with this temerity, and told his miniſter, "Though you do not believe it, you "will find, that you have given the parliament a handle "to ruin yourſelf, as well as to diſturb all my affairs; "and you will ſurely live to repent it." Danby had afterwards ſufficient reaſon to applaud the ſagacity of his maſter.

Zeal of the parliament.

THE cry of the plot was immediately echoed from one houſe to the other. The authority of parliament gave ſanction to that fury, with which the people were already agitated. An addreſs was voted for a ſolemn faſt: A form of prayer was contrived for that ſolemnity; and becauſe the popiſh plot had been omitted in the firſt draught, it was carefully ordered to be inſerted; leſt omniſcience ſhould want intelligence, to uſe the words of an hiſtorian [u].

[u] North, p. 207.

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In order to continue and propagate the alarm, addreſſes were voted for laying before the houſe ſuch papers as might diſcover the horrible conſpiracy; for the removal of popiſh recuſants from London; for adminiſtering every where the oaths of allegiance and ſupremacy; for denying acceſs at court to all unknown or ſuſpicious perſons; and for appointing the trainbands of London and Weſtminſter to be in readineſs. The lords Powis, Stafford, Arundel, Peters, and Bellaſis were committed to the Tower, and were ſoon after impeached for high treaſon. And both houſes, after hearing Oates's evidence, voted, "That the lords and commons are of opinion, that there "hath been, and ſtill is, a damnable and helliſh plot, "contrived and carried on by the popiſh recuſants, for "aſſaſſinating the king, for ſubverting the government, "and for rooting out and deſtroying the proteſtant re-"ligion."

So vehement were the houſes, that they ſat every day, forenoon and afternoon, on the ſubject of the plot: For no other buſineſs could be attended to. A committee of lords were appointed to examine priſoners and witneſſes: Blank warrants were put into their hands, for the commitment of ſuch as ſhould be accuſed or ſuſpected. Oates, who, though his evidence were true, muſt, by his own account, be regarded as an infamous villain, was by every one applauded, careſſed, and called the ſaviour of the nation. He was recommended by the parliament to the king. He was lodged in Whitehall, protected by guards, and encouraged by a penſion of 1200 pounds a-year.

Bedloe's narrative.

It was not long before ſuch bountiful encouragement brought forth new witneſſes. William Bedloe, a man, if poſſible, more infamous than Oates, appeared next upon the ſtage. He was of very low birth, had been noted for ſeveral cheats and even thefts, had travelled over

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over many parts of Europe under borrowed names, and frequently paſſed himſelf for a man of quality, and had endeavoured, by a variety of lyes and contrivances, to prey upon the ignorant and unwary. When he appeared before the council, he gave intelligence of Godfrey's murther only, which, he ſaid, had been perpetrated in Somerſet-houſe, where the queen lived, by papiſts, ſome of them ſervants in her family. He was queſtioned about the plot; but utterly denied all knowledge of it, and alſo aſſerted, that he had no acquaintance with Oates. Next day, when examined before the committee of lords, he bethought himſelf better, and was ready to give an ample account of the plot, which he found ſo anxiouſly enquired into. This narrative he made to tally, as well as he could, with that of Oates, which had been publiſhed: But that he might make himſelf acceptable by new matter, he added ſome other circumſtances, and theſe, ſtill more tremendous and extraordinary. He ſaid, that ten thouſand men were to be landed from Flanders in Burlington Bay, and immediately to ſeize Hull: That Jerſey and Guernſey were to be ſurprized by forces from Breſt; and that a French Fleet was, all laſt ſummer, hovering in the Channel for that purpoſe: That the lords Powis and Peters were to form an army in Radnorſhire, to be joined by another army, conſiſting of twenty or thirty thouſand religious men and pilgrims, who were to land at Milford Haven from St. Iago in Spain: That there were forty thouſand men ready in London; beſides thoſe, who would, on the alarm, be poſted at every ale-houſe door, in order to kill the ſoldiers, as they came out of their quarters: That lord Stafford, Coleman, and father Ireland had money ſufficient to defray the expences of all theſe armaments: That he himſelf was to receive four thouſand pounds, as one that could murder a man; as alſo a commiſſion from lord Bellaſis, and a benediction

nediction from the pope: That the king was to be assas- CHAP. LXVII.
sinated; all the protestants massacred, who would not seriously be converted; the government offered to ONE, 1678.
if he would consent to hold it of the church; but if he should refuse that condition, as was suspected, the supreme authority would be given to certain lords under the nomination of the pope. In a subsequent examination before the commons, Bedloe added (for these men always brought out their intelligence successively and by piece-meal), that lord Carrington was also in the conspiracy for raising men and money against the government; as was likewise lord Brudenel. These noblemen, with all the other persons mentioned by Bedloe, were immediately committed to custody by the parliament.

IT is remarkable, that the only resource of Spain, in her present decayed condition, lay in the assistance of England; and, so far from being in a situation to transport ten thousand men for the invasion of that kingdom, she had solicited and obtained English forces to be sent into the garrisons of Flanders, which were not otherwise able to defend themselves against the French. The French too, we may observe, were, at that very time, in open war with Spain, and yet are supposed to be engaged in the same design against England; as if religious motives were become the sole actuating principle among sovereigns. But none of these circumstances, however obvious, were able, when set in opposition to multiplied horrors, antipathies, and prejudices, to engage the least attention of the populace: For such the whole nation were at this time become. The popish plot passed for incontestible: And had not men soon expected with certainty the legal punishment of these criminals, the catholics had been exposed to the hazard of an universal massacre. The torrent indeed of national prejudices ran so

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high, that no one, without the moſt imminent danger, durſt venture openly to oppoſe it; nay, ſcarcely any one, without great force of judgment, could even ſecretly entertain an opinion contrary to the prevailing ſentiments. The loud and unanimous voice of a great nation has mighty authority over weak minds; and even later hiſtorians are ſo ſwayed by the concurring judgment of ſuch multitudes, that ſome of them have eſteemed themſelves ſufficiently moderate, when they affirmed, that many circumſtances of the plot were true, though ſome were added, and others much magnified. But it is an obvious principle, that a witneſs, who perjures himſelf in one circumſtance, is credible in none: And the authority of the plot, even to the end of the proſecutions, ſtood entirely upon witneſſes. Though the catholics had been ſuddenly and unexpectedly detected, at the very moment, when their conſpiracy, it is ſaid, was ripe for execution; no arms, no ammunition, no money, no commiſſions, no papers, no letters, after the moſt rigorous ſearch, ever were diſcovered, to confirm the evidence of Oates and Bedloe. Yet ſtill the nation, though often fruſtrated, went on in the eager purſuit and confident belief of the conſpiracy: And even the manifold inconſiſtencies and abſurdities, contained in the narratives, inſtead of diſcouraging them, ſerved only as farther incentives to diſcover the bottom of the plot, and were conſidered as ſlight objections, which a more complete information would fully remove. In all hiſtory, it will be difficult to find ſuch another inſtance of popular frenzy and bigoted deluſion.

In order to ſupport the panic among the people, eſpecially among the citizens of London, a pamphlet was publiſhed with this title, "A narrative and impartial diſ-"covery of the horrid popiſh plot, carried on for burn-"ing and deſtroying the cities of London and Weſtmin-

"ſter

"ſter with their ſuburbs: ſetting forth the ſeveral con- CHAP. LXVII.
"ſults, orders, and reſolutions of the jeſuits, concerning
"the ſame: By captain William Bedloe, lately engaged 1678.
"in that horrid deſign, and one of the popiſh committee
"for carrying on ſuch fires." Every fire, which had happened for ſeveral years paſt, is there aſcribed to the machinations of the jeſuits, who purpoſed, as Bedloe ſaid, by ſuch attempts, to find an opportunity for the general maſſacre of the proteſtants; and in the mean time, were well pleaſed to enrich themſelves by pilfering goods from the fire.

THE king, though he ſcrupled not, wherever he could ſpeak freely, to throw the higheſt ridicule on the plot, and on all who believed it; yet found it neceſſary to adopt the popular opinion before the parliament. The torrent, he ſaw, ran too ſtrong to be controuled; and he could only hope, by a ſeeming compliance, to be able, after ſome time, to guide and direct and elude its fury. He made therefore a ſpeech to both houſes; in which he told them, that he would take the utmoſt care of his perſon during theſe times of danger; that he was as ready as their hearts could wiſh, to join with them in all means for eſtabliſhing the proteſtant religion, not only during his own time, but for all future ages; and that, provided the right of ſucceſſion were preſerved, he would conſent to any laws for reſtraining a popiſh ſucceſſor: And in concluſion, he exhorted them to think of effectual means for the conviction of popiſh recuſants; and he highly praiſed the duty and loyalty of all his ſubjects, who had diſcovered ſuch anxious concern for his ſafety.

THESE gracious expreſſions abated nothing of the vehemence of parliamentary proceedings. A bill was introduced for a new teſt, in which popery was denominated idolatry; and all members, who refuſed this teſt, were excluded from both houſes. The bill paſſed the commons

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without much oppoſition; but in the upper houſe the duke moved, that an exception might be admitted in his favour. With great earneſtneſs, and even with tears in his eyes, he told them, that he was now to caſt himſelf on their kindneſs, in the greateſt concern, which he could have in the world; and he proteſted, that, whatever his religion might be, it ſhould only be a private *thing* between God and his own ſoul, and never ſhould appear in his public conduct. Notwithſtanding this ſtrong effort, in ſo important a point, he prevailed only by two voices; a ſufficient indication of the general diſpoſition of the people. "I would not have," ſaid a noble peer, in the debate on this bill, "ſo much as a "popiſh man or a popiſh woman to remain here; not ſo "much as a popiſh dog or a popiſh bitch; not ſo much "as a popiſh cat to pur or mew about the king." What is more extraordinary; this ſpeech met with praiſe and approbation.

ENCOURAGED by this general fury, the witneſſes went ſtill a ſtep farther in their accuſations; and though both Oates and Bedloe had often declared, that there was no other perſon of diſtinction, whom they knew to be concerned in the plot, they were now ſo audacious as to accuſe the queen herſelf of entering into the deſign againſt the life of her huſband. The commons, in an addreſs to the king, gave countenance to this ſcandalous accuſation; but the lords would not be prevailed with to join in the addreſs. It is here, if any where, that we may ſuſpect the ſuggeſtions of the popular leaders to have had place. The king, it was well known, bore no great affection to his conſort; and now, more than ever, when his brother and heir was ſo much hated, had reaſon to be deſirous of iſſue, which might quiet the jealous fears of his people. This very hatred, which prevailed againſt the duke, would much facilitate, he knew, any expedient that

could be devised for the exclusion of that prince: and nothing farther seemed requisite for the king, than to give way in this particular to the rage and fury of the nation. But Charles, notwithstanding all allurements of pleasure, or interest, or safety, had the generosity to protect his injured consort. "They think," said he, "I have a mind to a new wife; but for all that, I will "not see an innocent woman abused [w]." He immediately ordered Oates to be strictly confined, seized his papers, and dismissed his servants; and this daring informer was obliged to make applications to parliament, in order to recover his liberty. CHAP. LXVII. 1678.

DURING this agitation of men's minds, the parliament gave new attention to the militia; a circumstance, which, even during times of greatest tranquillity, can never prudently be neglected. They passed a bill, by which it was enacted, that a regular militia should be kept in arms, during six weeks of the year, and a third part of them do duty every fortnight of that time. The popular leaders probably intended to make use of the general prejudices, and even to turn the arms of the people against the prince [x]. But Charles refused his assent to the bill, and told the parliament, that he would not, were it for half an hour, part so far with the power of the sword: But if they would contrive any other bill for ordering the militia, and still leave it in his power to assemble or dismiss them as he thought proper, he would willingly give it the royal assent. The commons, dissatisfied with this negative, though the king had never before employed that prerogative, immediately voted that all the new-levied forces should be disbanded. They passed a bill, granting money for that purpose; but to shew their extreme jealousy of the crown, besides appropriating the money by the strictest clauses, they ordered it to be paid, not into the exchequer, but into the chamber of

[w] North's Examen. p. 186. [x] Burnet, vol. i. p. 437.

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London. The lords demurred with regard to ſo extraordinary a clauſe, which threw a violent reflection on the king's miniſters, and even on himſelf; and by that means the act remained in ſuſpence.

Accuſation of Danby.

It was no wonder, that the preſent ferment and credulity of the nation engaged men of infamous character and indigent circumſtances to become informers; when perſons of rank and condition could be tempted to give into that ſcandalous practice. Montague, the king's ambaſſador at Paris, had procured a ſeat in the lower houſe; and without obtaining or aſking the king's leave, he ſuddenly came over to England. Charles, ſuſpecting his intention, ordered his papers to be ſeized; but Montague, who foreſaw this meaſure, had taken care to ſecrete one paper, which he immediately laid before the houſe of commons. It was a letter from the treaſurer Danby, written in the beginning of the year, during the negociations at Nimeguen for the general peace. Montague was there directed to make a demand of money from France; or in other words, the king was willing ſecretly to ſell his good offices to Lewis, contrary to the general intereſts of the confederates, and even to thoſe of his own kingdoms. The letter, among other particulars, contains theſe words: "In caſe the conditions "of peace ſhall be accepted, the king expects to have "ſix millions of livres a year for three years, from the "time that this agreement ſhall be ſigned between his "majeſty and the king of France; becauſe it will proba-"bly be two or three years before the parliament will "be in humour to give him any ſupplies after the mak-"ing of any peace with France; and the ambaſſador "here has always agreed to that ſum; but not for ſo "long a time." Danby was ſo unwilling to engage in this negociation, that the king, to ſatisfy him, ſubjoined with his own hand theſe words: "This letter is writ "by my order, C. R." Montague, who revealed this

ſecret

secret correspondence, had even the baseness to sell his base treachery at a high price to the French monarch [a]. CHAP. LXVII. 1678.

THE commons were inflamed with this intelligence against Danby; and carrying their suspicions farther than the truth, they concluded, that the king had all along acted in concert with the French court; and that every step, which he had taken in conjunction with the allies, had been illusory and deceitful. Desirous of getting to the bottom of so important a secret, and being pushed by Danby's numerous enemies, they immediately voted an impeachment of high treason against that minister, and sent up six articles to the house of peers. His impeachment. These articles were, That he had traiterously engrossed to himself regal power, by giving instructions to his majesty's ambassadors, without the participation of the secretaries of state, or the privy-council: That he had traiterously endeavoured to subvert the government, and introduce arbitrary power; and to that end, had levied and continued an army, contrary to act of parliament: That he had traiterously endeavoured to alienate the affections of his majesty's subjects, by negociating a disadvantageous peace with France, and procuring money for that purpose: That he was popishly affected, and had traiterously concealed, after he had notice, the late horrid and bloody plot, contrived by the papists against his majesty's person and government: That he had wasted the king's treasure: And that he had, by indirect means, obtained several exorbitant grants from the crown.

IT is certain, that the treasurer, in giving instructions to an ambassador, had exceeded the bounds of his office; and as the genius of a monarchy, strictly limited, requires, that the proper minister should be answerable for every abuse of power, the commons, though they here advanced a new pretension, might justify themselves by the utility,

[a] Appendix to Sir John Dalrymple's Memoirs.

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and even neceſſity of it. But in other reſpects their charge againſt Danby was very ill grounded. That miniſter made it appear to the houſe of lords, not only that Montague, the informer againſt him, had all along promoted the money-negociations with France, but that he himſelf was ever extremely averſe to the intereſts of that crown, which he eſteemed pernicious to his maſter, and to his country. The French nation, he ſaid, had always entertained, as he was certainly informed, the higheſt contempt, both of the king's perſon and government. His diligence, he added, in tracing and diſcovering the popiſh plot, was generally known; and if he had common ſenſe, not to ſay common honeſty, he would ſurely be anxious to preſerve the life of a maſter, by whom he was ſo much favoured. He had waſted no treaſure, becauſe there was no treaſure to waſte. And though he had reaſon to be grateful for the king's bounty, he had made more moderate acquiſitions than were generally imagined, and than others in his office had often done, even during a ſhorter adminiſtration.

THE houſe of peers plainly ſaw, that, allowing all the charge of the commons to be true, Danby's crime fell not under the ſtatute of Edward III.; and though the words, *treaſon* and *traiterouſly*, had been carefully inſerted in ſeveral articles, this appellation could not change the nature of things, or ſubject him to the penalties annexed to that crime. They refuſed, therefore, to commit Danby upon this irregular charge: The commons inſiſted on their demand; and a great conteſt was likely to ariſe, when the king, who had already ſeen ſufficient inſtances of the ill-humour of the parliament, thought proper to prorogue them. This prorogation was ſoon after followed by a diſſolution; a deſperate remedy in the preſent diſpoſition of the nation. But the diſeaſe, it muſt be owned, the king had reaſon to eſteem deſperate. The utmoſt rage had been diſcovered by the commons, on account

30th Dec. Diſſolution of the long parliament.

account of the popish plot; and their fury began already to point against the royal family, if not against the throne itself. The duke had been struck at in several motions: The treasurer had been impeached: All supply had been refused, except on the most disagreeable conditions: Fears, jealousies, and antipathies were every day multiplying in parliament: And though the people were strongly infected with the same prejudices, the king hoped, that, by dissolving the present cabals, a set of men might be chosen, more moderate in their persuits, and less tainted with the virulence of faction. CHAP. LXVII. 1678.

THUS came to a period a parliament, which had sitten during the whole course of this reign one year excepted. Its conclusion was very different from its commencement. Being elected during the joy and festivity of the restoration, it consisted almost entirely of royalists; who were disposed to support the crown by all the liberality, which the habits of that age would permit. Alarmed by the alliance with France, they gradually withdrew their confidence from the king; and finding him still to persevere in a foreign interest, they proceeded to discover symptoms of the most refractory and most jealous disposition. The popish plot pushed them beyond all bounds of moderation; and before their dissolution, they seemed to be treading fast in the footsteps of the last long parliament, on whose conduct they threw at first such violent blame. In all their variations, they had still followed the opinions and prejudices of the nation; and ever seemed to be more governed by humour and party-views than by public interest, and more by public interest than by any corrupt or private influence. Its character.

DURING the sitting of the parliament, and after its prorogation and dissolution, the trials of the pretended criminals were carried on; and the courts of judicature, places, which, if possible, ought to be kept more pure from

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from injuſtice than even national aſſemblies themſelves, were ſtrongly infected with the ſame party rage and bigoted prejudices. Coleman, the moſt obnoxious of the conſpirators, was firſt brought to his trial. His letters were produced againſt him. They contained, as he himſelf confeſſed, much indiſcretion: But unleſs ſo far as it is illegal to be a zealous catholic, they ſeemed to prove nothing criminal, much leſs treaſonable againſt him. Oates and Bedloe depoſed, that he had received a commiſſion, ſigned by the ſuperior of the jeſuits, to be papal ſecretary of ſtate, and had conſented to the poiſoning, ſhooting, and ſtabbing of the king: He had even, according to Oates's depoſition, advanced a guinea to promote thoſe bloody purpoſes. Theſe wild ſtories were confounded with the projects contained in his letters; and Coleman received ſentence of death. The ſentence was ſoon after executed upon him[y]. He ſuffered with calmneſs and conſtancy, and to the laſt perſiſted in the ſtrongeſt proteſtations of his innocence.

1678. Trial of Coleman.

Of Ireland.

COLEMAN's execution was ſucceeded by the trial of father Ireland, who, it is pretended, had ſigned, together with fifty jeſuits, the great reſolution of murdering the king. Grove and Pickering who had undertaken to ſhoot him, were tried at the ſame time. The only witneſſes againſt the priſoners were ſtill Oates and Bedloe. Ireland affirmed, that he was in Staffordſhire all the month of Auguſt laſt, a time when Oates's evidence made him in London. He proved his aſſertion by good evidence, and would have proved it by undoubted; had he not, moſt iniquitouſly, been debarred, while in priſon, from all uſe of pen, ink, and paper, and denied the liberty of ſending for witneſſes. All theſe men, before their arraignment, were condemned in the opinion of the judges, jury, and ſpectators; and to be a jeſuit, or even a catholic, was of

[y] 3d of December.

itſelf

itſelf a ſufficient proof of guilt. The chief juſtice[z] in particular, gave ſanction to all the narrow prejudices and bigoted fury of the populace. Inſtead of being counſel for the priſoners, as his office required, he pleaded the cauſe againſt them, brow-beat their witneſſes, and on every occaſion repreſented their guilt as certain and uncontroverted. He even went ſo far as publicly to affirm, that the papiſts had not the ſame principles which proteſtants have, and therefore were not entitled to that common *credence*, which the principles and practices of the latter call for. And when the jury brought in their verdict againſt the priſoners, he ſaid, "You have done, "gentlemen, like very good ſubjects, and very good "Chriſtians, that is to ſay, like very good Proteſtants: "And now much good may their 30,000 maſſes do "them." Alluding to the maſſes, by which Pickering was to be rewarded for murdering the king. All theſe unhappy men went to execution, proteſting their innocence: a circumſtance, which made no impreſſion on the ſpectators. The opinion, that the jeſuits allowed of lies and mental reſervations for promoting a good cauſe, was at this time ſo univerſally received, that no credit was given to teſtimony delivered either by that order, or by any of their diſciples. It was forgotten, that all the conſpirators, engaged in the gun-powder treaſon, and Garnet, the jeſuit, among the reſt, had freely on the ſcaffold made confeſſion of their guilt.

CHAP. LXVII. 1678. 1679. 14th Jan.

THOUGH Bedloe had given information of Godfrey's murder, he ſtill remained a ſingle evidence againſt the perſons accuſed; and all the allurements of profit and honour had not hitherto tempted any one to confirm the teſtimony of that informer. At laſt, means were found to compleat the legal evidence. One Prance, a ſilverſmith, and a catholic, had been accuſed by Bedloe of being an accomplice in the murder; and upon his denial

[z] Sir William Scroggs.

had

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1679.

had been thrown into prison, loaded with heavy irons, and confined to the condemned hole, a place cold, dark, and full of nastiness. Such rigours were supposed to be exercised by orders from the secret committee of lords, particularly Shaftesbury and Buckingham; who, in examining the prisoners, usually employed (as is said, and indeed sufficiently proved) threatenings and promises, rigour and indulgence, and every art, under pretence of extorting the truth from them. Prance had not courage to resist, but confessed himself an accomplice in Godfrey's murder. Being asked concerning the plot, he also thought proper to be acquainted with it, and conveyed some intelligence to the council. Among other absurd circumstances, he said that one Le Fevre bought a second-hand sword of him; because he knew not, as he said, what times were at hand: And Prance expressing some concern for poor tradesmen, if such times came; Le Fevre replied, that it would be better for tradesmen, if the catholic religion were restored: And particularly, that there would be more church work for silversmiths. All this information, with regard to the plot as well as the murder of Godfrey, Prance solemnly retracted, both before the king and the secret committee: But being again thrown into prison, he was induced, by new terrors and new sufferings, to confirm his first information, and was now produced as a sufficient evidence.

Hill, Green, and Berry were tried for Godfrey's murder; all of them men of low stations. Hill was servant to a physician: The other two belonged to the popish chapel at Somerset house. It is needless to run over all the particulars of a long trial: It will be sufficient to say, that Bedloe's evidence and Prance's were in many circumstances totally irreconcileable; that both of them laboured under unsurmountable difficulties, not

to

to say gross absurdities; and that they were invalidated by contrary evidence, which is altogether convincing. But all was in vain: The prisoners were condemned and executed. They all denied their guilt at their execution; and as Berry died a protestant, this circumstance was regarded as very considerable: But, instead of its giving some check to the general credulity of the people, men were only surprised, that a protestant could be induced at his death to persist in so manifest a falshood. CHAP. LXVII. 1679. Feb. 21st and 28th.

As the army could neither be kept up, nor disbanded without money, the king, how little hopes soever he could entertain of more compliance, found himself obliged to summon a new parliament. The blood, already shed on account of the popish plot, instead of satiating the people, served only as an incentive to their fury; and each conviction of a criminal was hitherto regarded as a new proof of those horrible designs, imputed to the papists. This election is perhaps the first in England, which, since the commencement of the monarchy, had been carried on by a violent contest between the parties, and where the court interested itself, to a high degree, in the choice of the national representatives. But all its efforts were fruitless, in opposition to the torrent of prejudices, which prevailed. Religion, liberty, property, even the lives of men were now supposed to be at stake; and no security, it was thought, except in a vigilant parliament, could be found against the impious and bloody conspirators. Were there any part of the nation, to which the ferment, occasioned by the popish plot, had not as yet propagated itself; the new elections, by interesting the whole people in public concerns, tended to diffuse it into the remotest corner; and the consternation, universally excited, proved an excellent engine for influencing the electors. All the zealots of the former parliament were re-chosen: New ones were added; New elections.

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added: The presbyterians in particular, being transported with the most inveterate antipathy against popery, were very active and very successful in the elections. That party, it is said, first began at this time the abuse of splitting their freeholds, in order to multiply votes and electors. By accounts, which came from every part of England, it was concluded, that the new representatives would, if possible, exceed the old in their refractory opposition to the court, and furious persecution of the catholics.

THE king was alarmed, when he saw so dreadful a tempest arise from such small and unaccountable beginnings. His life, if Oates and Bedloe's information were true, had been aimed at by the catholics: Even the duke's was in danger: The higher, therefore, the rage mounted against popery, the more should the nation have been reconciled to these princes, in whom, it appeared, the church of Rome reposed no confidence. But there is a sophistry, which attends all the passions; especially those into which the populace enter. Men gave credit to the informers, so far as concerned the guilt of the catholics: But they still retained their old suspicions, that these religionists were secretly favoured by the king, and had obtained the most entire ascendant over his brother. Charles had too much penetration not to see the danger, to which the succession, and even his own crown and dignity, now stood exposed. A numerous party, he found, was formed against him; on the one hand, composed of a populace, so credulous from prejudice, so blinded with religious antipathy, as implicitly to believe the most palpable absurdities; and conducted, on the other hand, by leaders so little scrupulous, as to endeavour, by encouraging perjury, subornation, lyes, impostures, and even by shedding innocent blood, to gratify their own furious ambition, and subvert all legal authority.

authority. Rouzed from his lethargy by ſo eminent a peril, be began to exert that vigour of mind, of which, on great occaſions, he was not deſtitute; and without quitting in appearance his uſual facility of temper, he collected an induſtry, firmneſs, and vigilance, of which he was believed altogether incapable. Theſe qualities, joined to dexterity and prudence, conducted him happily through the many ſhoals, which ſurrounded him; and he was at laſt able to make the ſtorm fall on the heads of thoſe who had blindly raiſed, or artfully conducted it. CHAP. LXVII. 1679.

ONE chief ſtep, which the king took, towards gratifying and appeaſing his people and parliament, was, deſiring the duke to withdraw beyond ſea, that no farther ſuſpicion might remain of the influence of popiſh counſels. The duke readily complied; but firſt required an order for that purpoſe, ſigned by the king; leſt his abſenting himſelf ſhould be interpreted as a proof of fear or of guilt. He alſo deſired, that his brother ſhould ſatisfy him, as well as the public, by a declaration of the illegitimacy of the duke of Monmouth.

JAMES duke of Monmouth was the king's natural ſon by Lucy Walters, and born about ten years before the reſtoration. He poſſeſſed all the qualities, which could engage the affections of the populace; a diſtinguiſhed valour, an affable addreſs, a thoughtleſs generoſity, a graceful perſon. He roſe ſtill higher in the public favour, by reaſon of the univerſal hatred, to which the duke, on account of his religion, was expoſed. Monmouth's capacity was mean; his temper pliant: So that, notwithſtanding his great popularity, he had never been dangerous, had he not implicitly reſigned himſelf to the guidance of Shaftſbury, a man of ſuch a reſtleſs temper, ſuch ſubtle wit, and ſuch abandoned principles. That daring politician had flattered Monmouth with the hopes of ſucceeding to the crown. The ſtory of a contract of marriage, Duke of Monmouth.

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1679. marriage, paſſed between the king and Monmouth's mother, and ſecretly kept in a certain *black box*, had been induſtriouſly ſpread abroad, and was greedily received by the multitude. As the horrors of popery ſtill preſſed harder on them, they might be induced, either to adopt that fiction, as they had already done many others more incredible, or to commit open violation on the right of ſucceſſion. And it would not be difficult, it was hoped, to perſuade the king, who was extremely fond of his ſon, to give him the preference above a brother, who, by his imprudent bigotry, had involved him in ſuch inextricable difficulties. But Charles, in order to cut off all ſuch expectations, as well as to remove the duke's apprehenſions, took care, in full council, to make a declaration of Monmouth's illegitimacy, and to deny all promiſe of marriage with his mother. The duke, being gratified in ſo reaſonable a requeſt, willingly complied with the king's deſire, and retired to Bruſſels.

Duke of York retires to Bruſſels.

6th March. New parliament.

But the king ſoon found, that, notwithſtanding this precaution, notwithſtanding his concurrence in the proſecution of the popiſh plot, notwithſtanding the zeal which he expreſſed, and even at this time exerciſed againſt the catholics; he had no wiſe obtained the confidence of his parliament. The refractory humour of the lower houſe appeared in the firſt ſtep, which they took upon their aſſembling. It had ever been uſual for the commons, in the election of their ſpeaker, to conſult the inclinations of the Sovereign; and even the long parliament in 1641 had not thought proper to depart from ſo eſtabliſhed a cuſtom. The king now deſired, that the choice ſhould fall on Sir Thomas Meres: But Seymour, ſpeaker to the laſt parliament, was inſtantly called to the chair, by a vote which ſeemed unanimous. The king, when Seymour was preſented to him for his approbation, rejected him, and ordered the commons to proceed to a

new

new choice. A great flame was excited. The commons maintained, that the king's approbation was merely a matter of form, and that he could not, without giving a reason, reject the ſpeaker choſen: The king, that, ſince he had the power of rejecting, he might, if he pleaſed, keep the reaſon in his own breaſt. As the queſtion had never before been ſtarted, it might ſeem difficult to find principles, upon which it could be decided [a]. By way of compromiſe, it was agreed to ſet aſide both candidates. Gregory, a lawyer, was choſen; and the election was ratified by the king. It has ever ſince been underſtood, that the choice of the ſpeaker lies in the houſe; but that the king retains the power of rejecting any perſon diſagreeable to him.

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SEYMOUR was deemed a great enemy to Danby; and it was the influence of that nobleman, as commonly ſuppoſed, which had engaged the king to enter into this ill-timed controverſy with the commons. The impeachment, therefore, of Danby was on that account the ſooner revived; and it was maintained by the commons, that notwithſtanding the intervening diſſolution, every part of that proceeding ſtood in the ſame condition in which it had been left by the laſt parliament: A pretenſion, which, though unuſual, ſeems tacitly to have been yielded them. The king had before hand had the precaution to grant a pardon to Danby; and, in order to ſcreen the chancellor from all attacks by the commons, he had taken the great ſeal into his own hands, and had himſelf affixed it to the parchment. He told the parliament, that, as Danby had acted in every thing by his

Danby's impeachment.

[a] In 1566, the ſpeaker ſaid to Q. Elizabeth, that without her allowance the election of the houſe was of no ſignificance. D'Ewes's Journal, p. 97. In the parliament 1592, 1593, the ſpeaker, who was Sir Edward Coke, advances a like poſition. D'Ewes, p. 459. Townſhend, p. 35. So that this pretenſion of the commons ſeems to have been ſomewhat new; like many of their other powers and privileges.

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orders, he was in no reſpect criminal; that his pardon, however, he would inſiſt upon; and if it ſhould be found any wiſe defective in form, he would renew it again and again, till it ſhould be rendered entirely compleat: But that he was reſolved to deprive him of all employments, and to remove him from court.

The commons were no wiſe ſatisfied with this conceſſion. They pretended, that no pardon of the crown could be pleaded in bar of an impeachment by the commons. The prerogative of mercy had hitherto been underſtood to be altogether unlimited in the king; and this pretenſion of the commons, it muſt be confeſſed, was entirely new. It was however not unſuitable to the genius of a monarchy, ſtrictly limited; where the king's miniſters are ſuppoſed to be for ever accountable to national aſſemblies, even for ſuch abuſes of power as they may commit by orders from their maſter. The preſent emergence, while the nation was ſo highly inflamed, was the proper time for puſhing ſuch popular claims; and the commons failed not to avail themſelves of this advantage. They ſtill inſiſted on the impeachment of Danby. The peers, in compliance with them, departed from their former ſcruples, and ordered Danby to be taken into cuſtody. Danby abſconded. The commons paſſed a bill, appointing him to ſurrender himſelf before a certain day, or, in default of it, attainting him. A bill had paſſed the upper houſe, mitigating the penalty to baniſhment; but after ſome conferences, the peers thought proper to yield to the violence of the commons; and the bill of attainder was carried. Rather than undergo ſuch ſevere penalties, Danby appeared, and was immediately committed to the Tower.

WHILE a proteſtant nobleman met with ſuch violent proſecution, it was not likely that the catholics would be over-looked by the zealous commons. The credit of

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1679. Popish plot.

the popish plot still stood upon the oaths of a few infamous witnesses. Though such immense preparations were supposed to have been made in the very bowels of the kingdom, no traces of them, after the most rigorous enquiry, had as yet appeared. Though so many thousands, both abroad and at home, had been engaged in the dreadful secret; neither hope, nor fear, nor remorse, nor levity, nor suspicions, nor private resentment had engaged any one to confirm the evidence. Though the catholics, particularly the Jesuits, were represented as guilty of the utmost indiscretion, insomuch that they talked of the king's murder as common news, and wrote of it in plain terms by the common post; yet, among the great number of letters seized, no one contained any part of so complicated a conspiracy. Though the informers pretended, that, even after they had resolved to betray the secret, many treasonable commissions and papers had passed through their hands; they had not had the precaution to keep any one of them, in order to fortify their evidence. But all these difficulties, and a thousand more, were not found too hard of digestion by the nation and parliament. The prosecution and farther discovery of the plot were still the object of general concern. The commons voted, that, if the king should come to an untimely end, they would revenge his death upon the papists; not reflecting that this sect were not his only enemies. They promised rewards to new discoverers; not considering the danger, which they incurred, of granting bribes to perjury. They made Bedloe a present of 500 pounds; and particularly recommended the care of his safety to the duke of Monmouth. Colonel Sackville, a member, having, in a private company, spoken opprobriously of those who affirmed that there was any plot, was expelled the house.

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1679. The peers gave power to their committees to ſend for and examine ſuch as would maintain the innocence of thoſe who had been condemned for the plot. A pamphlet having been publiſhed to diſcredit the informers, and to vindicate the catholic lords in the Tower, theſe lords were required to diſcover the author, and thereby to expoſe their own advocate to proſecution. And both houſes concurred in renewing the former vote, that the papiſts had undoubtedly entered into a *horrid* and *treaſonable* conſpiracy againſt the king, the ſtate, and the proteſtant religion.

It muſt be owned, that this extreme violence, in proſecution of ſo abſurd an impoſture, diſgraces the noble cauſe of liberty, in which the parliament was engaged. We may even conclude from ſuch impatience of contradiction, that the proſecutors themſelves retained a ſecret ſuſpicion, that the general belief was but ill grounded. The politicians among them were afraid to let in light, leſt it might put an end to ſo uſeful a deluſion: The weaker and leſs diſhoneſt party took care, by turning their eyes aſide, not to ſee a truth, ſo oppoſite to thoſe furious paſſions, by which they were actuated, and in which they were determined obſtinately to perſevere.

Sir William Temple had lately been recalled from his foreign employments; and the king, who, after the removal of Danby, had no one with whom he could ſo much as diſcourſe with freedom of public affairs, was reſolved, upon Coventry's diſmiſſion, to make him one of his ſecretaries of ſtate. But that philoſophical patriot, too little intereſted for the intrigues of a court, too full of ſpleen and delicacy for the noiſy turbulence of popular aſſemblies, was alarmed at the univerſal diſcontents and jealouſies, which prevailed, and was determined to make his retreat, as ſoon as poſſible, from a ſcene which threatened

threatened such confusion. Meanwhile, he could not refuse the confidence, with which his master honoured him; and he resolved to employ it to the public service. He represented to the king, that, as the jealousies of the nation were extreme, it was necessary to cure them by some new remedy, and to restore that mutual confidence, so requisite for the safety both of king and people: That to refuse every thing to the parliament in their present disposition, or to yield every thing, was equally dangerous to the constitution as well as to public tranquillity: That if the king would introduce into his councils such men as enjoyed the confidence of his people, fewer concessions would probably be required; or if unreasonable demands were made, the king, under the sanction of such counsellors, might be enabled, with the greater safety, to refuse them: And that the heads of the popular party, being gratified with the king's favour, would probably abate of that violence by which they endeavoured at present to pay court to the multitude. CHAP. LXVII. 1679.

THE king assented to these reasons; and, in concert with Temple, he laid the plan of a new privy-council, without whose advice he declared himself determined for the future to take no measure of importance. This council was to consist of thirty persons, and was never to exceed that number. Fifteen of the chief officers of the crown were to be continued, who, it was supposed, would adhere to the king, and, in case of any extremity, oppose the exorbitancies of faction. The other half of the council was to be composed, either of men of character, detached from the court, or of those who possessed chief credit in both houses. And the king, in filling up the names of his new council, was well pleased to find, that the members, in land and offices, possessed to the amount of 300,000 pounds a-year; a sum nearly equal to the whole property of the house of commons, against New council.

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whoſe violence the new council was intended as a barrier to the throne [b].

1679. This experiment was tried, and ſeemed at firſt to give ſome ſatisfaction to the public. The earl of Eſſex, a nobleman of the popular party, ſon of that lord Capel who had been beheaded a little after the late king, was created treaſurer in the room of Danby: The earl of Sunderland, a man of intrigue and capacity, was made ſecretary of ſtate: Viſcount Halifax, a fine genius, poſſeſſed of learning, eloquence, induſtry, but ſubject to inquietude, and fond of refinements, was admitted into the council. Theſe three, together with Temple, who often joined them, though he kept himſelf more detached from public buſineſs, formed a kind of cabinet council, from which all affairs received their firſt digeſtion. Shafteſbury was made preſident of the council; contrary to the advice of Temple, who foretold the conſequence of admitting a man of ſo dangerous a character into any part of the public adminiſtration.

As Temple foreſaw, it happened. Shafteſbury finding, that he poſſeſſed no more than the appearance of court-favour, was reſolved ſtill to adhere to the popular party, by whoſe attachment he enjoyed an undiſputed ſuperiority in the lower houſe, and poſſeſſed great influence in the other. The very appearance of court-favour, empty as it was, tended to render him more dangerous. His partizans, obſerving the progreſs which

[b] Their names were: Prince Rupert, the archbiſhop of Canterbury, lord Finch, chancellor, earl of Shafteſbury, preſident, earl of Angleſea, privy ſeal, duke of Albemarle, duke of Monmouth, duke of Newcaſtle, duke of Lauderdale, duke of Ormond, marquefs of Wincheſter, marquefs of Worceſter, earl of Arlington, earl of Saliſbury, earl of Bridgwater, earl of Sunderland, earl of Eſſex, earl of Bath, viſcount Fauconberg, viſcount Halifax, biſhop of London, lord Roharts, lord Hollis, lord Ruſſel, lord Cavendiſh, ſecretary Coventry, Sir Francis North, chief juſtice, Sir Henry Capel, Sir John Ernley, Sir Thomas Chicheley, Sir William Temple, Edward Seymour, Henry Powle.

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he had already made, hoped, that he would soon acquire the entire ascendant; and he constantly flattered them, that if they persisted in their purpose, the king, from indolence, and necessity, and fondness for Monmouth, would at last be induced, even at the expence of his brother's right, to make them every concession. CHAP. LXVII. 1679.

BESIDES, the antipathy to popery, as well as jealousy of the king and duke, had taken too fast possession of men's minds, to be removed by so feeble a remedy, as this new council, projected by Temple. The commons, soon after the establishment of that council, proceeded so far as to vote unanimously, "That the duke of York's "being a papist, and the hopes of his coming to the "crown, had given the highest countenance to the pre- "sent conspiracies and designs of the papists against the "king and the protestant religion." It was expected, that a bill for excluding him the throne would soon be brought in. To prevent this bold measure, the king concerted some limitations, which he proposed to the parliament. He introduced his plan by the following gracious expressions: "And to shew you, that, while "you are doing your parts, my thoughts have not been "misemployed, but that it is my constant care to do "every thing, that may preserve your religion, and se- "cure it for the future in all events, I have commanded "my lord chancellor to mention several particulars; "which, I hope, will be an evidence, that, in all things, "which concern the public security, I shall not follow "your zeal, but lead it."

THE limitations projected were of the utmost importance, and deprived the successor of the chief branches of royalty. A method was there chalked out, by which the nation, on every new reign, could be ensured of having a parliament, which the king should not, for a certain time, have it in his power to dissolve. In case

on a popish successor.

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of a popiſh ſucceſſor, the prince was to forfeit the right of conferring any eccleſiaſtical preferments: No member of the privy council, no judge of the common law or in chancery, was to be put in or diſplaced but by conſent of parliament: And the ſame precaution was extended to the military part of the government; to the lord lieutenants and deputy lieutenants of the counties, and to all officers of the navy. The chancellor of himſelf added, "It is hard to invent another reſtraint; conſidering how "much the revenue will depend upon the conſent of "parliament, and how impoſſible it is to raiſe money "without ſuch conſent. But yet, if any thing elſe can "occur to the wiſdom of parliament, which may far- "ther ſecure religion and liberty againſt a popiſh ſucceſ- "ſor, without defeating the right of ſucceſſion itſelf, his "majeſty will readily conſent to it."

It is remarkable, that, when theſe limitations were firſt laid before the council, Shafteſbury and Temple were the only members, who argued againſt them. The reaſons, which they employed, were diametrically oppoſite. Shafteſbury's opinion was, that the reſtraints were inſufficient; and that nothing but the total excluſion of the duke could give a proper ſecurity to the kingdom. Temple on the other hand thought, that the reſtraints were ſo rigorous as even to ſubvert the conſtitution; and that ſhackles, put upon a popiſh ſucceſſor, would not afterwards be eaſily caſt off by a proteſtant. It is certain, that the duke was extremely alarmed when he heard of this ſtep taken by the king, and that he was better pleaſed even with the bill of excluſion itſelf, which, he thought, by reaſon of its violence and injuſtice, could never poſſibly be carried into execution. There is alſo reaſon to believe, that the king would not have gone ſo far, had he not expected, from the extreme fury of the commons, that his conceſſions would be rejected, and

that

that the blame of not forming a reasonable accommodation would by that means lie entirely at their door. CHAP. LXVII. 1679.

It soon appeared, that Charles had entertained a just opinion of the dispositions of the house. So much were the commons actuated by the cabals of Shaftesbury and other malcontents; such violent antipathy prevailed against popery, that the king's concessions, though much more important than could reasonably have been expected, were not embraced. A bill was brought in for the total exclusion of the duke from the crown of England and Ireland. It was there declared that the sovereignty of these kingdoms, upon the king's death or resignation should devolve to the person next in succession after the duke; that all acts of royalty, which that prince should afterwards perform, should not only be void, but be deemed treason; that if he so much as entered any of these dominions, he should be deemed guilty of the same offence; and that all who supported his title, should be punished as rebels and traitors. This important bill, which implied banishment as well as exclusion, passed the lower house by a majority of seventy-nine. Bill of exclusion.

The commons were not so wholly employed about the exclusion-bill as to overlook all other securities to liberty. The country party, during all the last parliament, had much exclaimed against the bribery and corruption of the members; and the same reproach had been renewed against the present parliament. An enquiry was made into a complaint, which was so dangerous to the honour of that assembly; but very little foundation was found for it. Sir Stephen Fox, who was the pay-master, confessed to the house, that nine members received pensions to the amount of three thousand four hundred pounds: And after a rigorous enquiry by a secret committee, eight more pensioners were discovered. A sum also, about twelve thousand pounds, had been occasionally given or lent

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lent to others. The writers of that age pretend, that Clifford and Danby had adopted oppoſite maxims with regard to pecuniary influence. The former endeavoured to gain the leaders and orators of the houſe, and deemed the others of no conſequence. The latter thought it ſufficient to gain a majority, however compoſed. It is likely, that the means, rather than the intention, were wanting to both theſe miniſters.

PENSIONS and bribes, though it be difficult entirely to exclude them, are dangerous expedients for government; and cannot be too carefully guarded againſt, nor too vehemently decried by every one who has a regard to the virtue and liberty of a nation. The influence, however, which the crown acquires from the diſpoſal of places, honours, and preferments, is to be eſteemed of a different nature. This engine of power may become too forcible, but it cannot altogether be aboliſhed, without the total deſtruction of monarchy, and even of all regular authority. But the commons at this time were ſo jealous of the crown, that they brought in a bill, which was twice read, excluding from the lower houſe all who poſſeſſed any lucrative office.

THE ſtanding army and the king's guards were by the commons voted to be illegal: A new pretenſion, it muſt be confeſſed; but neceſſary for the full ſecurity of liberty and a limited conſtitution.

Habeas corpus bill.

ARBITRARY impriſonment is a grievance, which, in ſome degree, has place almoſt in every government, except in that of Great Britain; and our abſolute ſecurity from it we owe chiefly to the preſent parliament; a merit, which makes ſome atonement for the faction and violence, into which their prejudices had, in other particulars, betrayed them. The great charter had laid the foundation of this valuable part of liberty; the petition of right had renewed and extended it; but ſome proviſions were ſtill wanting,

wanting, to render it complete, and prevent all evaſion or delay from miniſters and judges. The act of *habeas corpus*, which paſſed this ſeſſion, ſerved theſe purpoſes. By this act, it was prohibited to ſend any one to a priſon beyond ſea. No judge, under ſevere penalties, muſt refuſe to any priſoner a writ of *habeas corpus*, by which the gaoler was directed to produce in court the body of the priſoner (whence the writ has its name), and to certify the cauſe of his detainer and impriſonment. If the gaol lie within twenty miles of the judge, the writ muſt be obeyed in three days; and ſo proportionably for greater diſtances: Every priſoner muſt be indicted the firſt term after his commitment, and brought to trial in the ſubſequent term. And no man, after being enlarged by order of court, can be recommitted for the ſame offence. This law ſeems neceſſary for the protection of liberty in a mixed monarchy; and as it has not place in any other form of government, this conſideration alone may induce us to prefer our preſent conſtitution to all others. It muſt, however, be confeſſed, that there is ſome difficulty to reconcile with ſuch extreme liberty the full ſecurity and the regular police of a ſtate, eſpecially the police of great cities. It may alſo be doubted, whether the low ſtate of the public revenue in this period, and of the military power, did not ſtill render ſome diſcretionary authority in the crown neceſſary to the ſupport of government.

DURING theſe zealous efforts for the protection of liberty, no complaiſance for the crown was diſcovered by this parliament. The king's revenue lay under great debts and anticipations: Thoſe branches, granted in the years 1669 and 1670, were ready to expire. And the fleet was repreſented by the king as in great decay and diſorder. But the commons, inſtead of being affected by theſe diſtreſſes of the crown, truſted chiefly to them for paſſing the excluſion-bill, and for puniſhing and diſplacing all the miniſters who were obnoxious to them. They were therefore

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fore in no haſte to relieve the king; and grew only the more aſſuming on account of his complaints and uneaſineſs. Jealous however of the army, they granted the ſame ſum of 206,000 pounds, which had been voted for diſbanding it by the laſt parliament; though the vote, by reaſon of the ſubſequent prorogation and diſſolution, joined to ſome ſcruples of the lords, had not been carried into an act. This money was appropriated by very ſtrict clauſes; but the commons inſiſted not as formerly upon its being paid into the chamber of London.

THE impeachment of the five popiſh lords in the Tower, with that of the earl of Danby, was carried on with vigour. The power of this miniſter, and his credit with the king, rendered him extremely obnoxious to the popular leaders; and the commons hoped, that, if he were puſhed to extremity, he would be obliged, in order to juſtify his own conduct, to lay open the whole intrigue of the French alliance, which they ſuſpected to contain a ſecret of the moſt dangerous nature. The king, on his part, apprehenſive of the ſame conſequences, and deſirous to protect his miniſter, who was become criminal merely by obeying orders, employed his whole intereſt to ſupport the validity of that pardon, which had been granted him. The lords appointed a day for the examination of the queſtion, and agreed to hear counſel on both ſides: But the commons would not ſubmit their pretenſions to the diſcuſſion of argument and enquiry. They voted, that whoever ſhould preſume, without their leave, to maintain before the houſe of peers the validity of Danby's pardon, ſhould be accounted a betrayer of the liberties of the Engliſh commons. And they made a demand, that the biſhops, whom they knew to be devoted to the court, ſhould be removed, not only when the trial of the earl ſhould commence, but alſo when the validity of his pardon ſhould be diſcuſſed.

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THE biſhops before the reformation had always enjoyed a ſeat in parliament: But ſo far were they antiently from regarding that dignity as a privilege, that they affected rather to form a ſeparate order in the ſtate, independent of the civil magiſtrate, and accountable only to the pope and to their own order. By the conſtitutions, however, of Clarendon, enacted during the reign of Henry II. they were obliged to give their preſence in parliament; but as the canon law prohibited them from aſſiſting in capital trials, they were allowed in ſuch caſes the privilege of abſenting themſelves. A practice, which was at firſt voluntary, became afterwards a rule; and on the earl of Strafford's trial, the biſhops, who would gladly have attended, and who were no longer bound by the canon law, were yet obliged to withdraw. It had been uſual for them to enter a proteſt, aſſerting their right to ſit; and this proteſt, being conſidered as a mere form, was always admitted and diſregarded. But here was ſtarted a new queſtion of no ſmall importance. The commons, who were now enabled, by the violence of the people, and the neceſſities of the crown, to make new acquiſitions of powers and privileges, inſiſted, that the biſhops had no more title to vote in the queſtion of the earl's pardon than in the impeachment itſelf. The biſhops aſſerted, that the pardon was merely a preliminary; and that, neither by the canon law nor the practice of parliament, were they ever obliged, in capital caſes, to withdraw till the very commencement of the trial itſelf. If their abſence were conſidered as a privilege, which was its real origin, it depended on their own choice, how far they would inſiſt upon it. If regarded as a diminution of their right of peerage, ſuch unfavourable cuſtoms ought never to be extended beyond the very circumſtance eſtabliſhed by them; and all arguments, from a pre-

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a pretended parity of reaſon, were in that caſe of little or no authority.

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THE houſe of lords was ſo much influenced by theſe reaſons, that they admitted the biſhops' right to vote, when the validity of the pardon ſhould be examined. The commons inſiſted ſtill on their withdrawing; and thus a quarrel being commenced between the two houſes, the king, who expected nothing but freſh inſtances of violence from this parliament, began to entertain thoughts of laying hold of ſo favourable a pretence, and of finiſhing the ſeſſion by a prorogation. While in this diſpoſition, he was alarmed with ſudden intelligence, that the houſe of commons was preparing a remonſtrance, in order to inflame the nation ſtill farther upon the favourite topics of the plot and of popery. He haſtened, therefore, to execute his intention, even without conſulting his new council, by whoſe advice he had promiſed to regulate his whole conduct. And thus were diſappointed all the projects of the malcontents, who were extremely enraged at this vigorous meaſure of the king's. Shafteſbury publicly threatened, that he would have the head of whoever had adviſed it. The parliament was ſoon after diſſolved without advice of council; and writs were iſſued for a new parliament. The king was willing to try every means, which gave a proſpect of more compliance in his ſubjects; and, in caſe of failure, the blame, he hoped, would lie on thoſe whoſe obſtinacy forced him to extremities.

27th May.

Prorogation and diſſolution of the parliament, 10th July.

BUT even during the receſs of parliament, there was no interruption to the proſecution of the catholics accuſed of the plot: The king found himſelf obliged to give way to this popular fury. Whitebread, provincial of the jeſuits, Fenwic, Gavan, Turner, and Harcourt, all of them of the ſame order, were firſt brought to their trial. Beſides Oates and Bedloe, Dugdale, a new witneſs, appeared againſt the priſoners. This man had been ſteward

Trial and execution of the five jeſuits.

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to lord Aſton, and, though poor, poſſeſſed a character ſomewhat more reputable than the other two: But his account of the intended maſſacres and aſſaſſinations was equally monſtrous and incredible. He even aſſerted, that 200,000 papiſts in England were ready to take arms. The priſoners proved by ſixteen witneſſes from St. Omers, ſtudents and moſt of them young men of family, that Oates was in that ſeminary, at the time when he ſwore that he was in London: But as they were catholics and diſciples of the jeſuits, their teſtimony, both with the judges and jury, was totally diſregarded. Even the reception, which they met with in court, was full of outrage and mockery. One of them ſaying, that Oates always continued at St. Omers, if he could believe his ſenſes: "You papiſts," ſaid the chief juſtice, "are "taught not to believe your ſenſes." It muſt be confeſſed, that Oates, in oppoſition to the ſtudents of St. Omers, found means to bring evidence of his having been at that time in London: But this evidence, though it had, at that time, the appearance of ſome ſolidity, was afterwards diſcovered, when Oates himſelf was tried for perjury, to be altogether deceitful. In order farther to diſcredit that witneſs, the jeſuits proved by undoubted teſtimony, that he had perjured himſelf in father Ireland's trial, whom they ſhewed to have been in Staffordſhire at the very time when Oates ſwore that he was committing treaſon in London. But all theſe pleas availed them nothing againſt the general prejudices. They received ſentence of death; and were executed, perſiſting to their laſt breath in the moſt ſolemn, earneſt, and deliberate, though diſregarded, proteſtations of their innocence.

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THE next trial was that of Langhorne, an eminent lawyer, by whom all the concerns of the jeſuits were managed. Oates and Bedloe ſwore, that all the papal commiſſions by which the chief offices in England were filled

And of Langhorne.

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filled with catholics, passed through his hands. When verdict was given against the prisoner, the spectators expressed their savage joy by loud acclamations. So high indeed had the popular rage mounted, that the witnesses for this unhappy man, on approaching the court, were almost torn in pieces by the rabble: One in particular was bruised to such a degree, as to put his life in danger. And another, a woman, declared, that, unless the court could afford her protection, she durst not give evidence: But as the judges could go no farther than promise to punish such as should do her any injury, the prisoner himself had the humanity to wave her testimony.

Wakeman acquitted. 18th July.

So far the informers had proceeded with success: Their accusation was hitherto equivalent to a sentence of death. The first check which they received, was on the trial of Sir George Wakeman, the queen's physician, whom they accused of an intention to poison the king. It was a strong circumstance in favour of Wakeman, that Oates, in his first information before the council, had accused him only upon hearsay; and when asked by the chancellor, whether he had any thing farther to charge him with, he added, "God forbid I should say any thing "against Sir George: For I know nothing more against "him." On the trial he gave positive evidence of the prisoner's guilt. There were many other circumstances which favoured Wakeman: But what chiefly contributed to his acquittal, was the connexion of his cause with that of the queen, whom no one, even during the highest prejudices of the times, could sincerely believe guilty. The great importance of the trial made men recollect themselves, and recal that good sense and humanity, which seemed, during some time, to have abandoned the nation. The chief justice himself, who had hitherto favoured the witnesses, exaggerated the plot, and railed against the prisoners, was observed to be considerably mollified, and

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to give a favourable charge to the jury. Oates and Bedloe had the assurance to attack him to his face, and even to accuse him of partiality before the council. The whole party, who had formerly much extolled his conduct, now made him the object of their resentment. Wakeman's acquittal was indeed a sensible mortification to the furious prosecutors of the plot, and fixed an indelible stain upon the witnesses. But Wakeman, after he recovered his liberty, finding himself exposed to such inveterate enmity, and being threatened with farther prosecutions, thought it prudent to retire beyond sea: And his flight was interpreted as a proof of guilt, by those who were still resolved to persist in the belief of the conspiracy. CHAP. LXVII. 1679.

State of affairs in Scotland.

THE great discontents in England, and the refractory disposition of the parliament, drew the attention of the Scottish covenanters, and gave them a prospect of some time putting an end to those oppressions, under which they had so long laboured. It was suspected to have been the policy of Lauderdale and his associates to push these unhappy men to extremities, and force them into rebellion, with a view of reaping profit from the forfeitures and attainders, which would ensue upon it. But the covenanters, aware of this policy, had hitherto forborne all acts of hostility; and that tyrannical minister had failed of his purpose. An incident at last happened, which brought on an insurrection in that country.

THE covenanters were much enraged against Sharpe, the primate, whom they considered as an apostate from their principles, and whom they experienced to be an unrelenting persecutor of all those who dissented from the established worship. He had an officer under him, one Carmichael, no less zealous than himself against conventicles, and who by his violent prosecutions had rendered himself extremely obnoxious to the fanatics. A company

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of these had way-laid him on the road near St. Andrews, with an intention, if not of killing him, at least of chastizing him so severely as would afterwards render him more cautious in persecuting the nonconformists [c]. While looking out for their prey, they were surprized at seeing the archbishop's coach pass by; and they immediately interpreted this incident as a declaration of the secret purpose of providence against him. But when they observed, that almost all his servants, by some accident, were absent, they no longer doubted, but heaven had here delivered their capital enemy into their hands. Without farther deliberation, they fell upon him; dragged him from his coach; tore him from the arms of his daughter, who interposed with cries and tears; and piercing him with redoubled wounds, left him dead on the spot, and immediately dispersed themselves.

THIS atrocious action served the ministry as a pretence for a more violent persecution against the fanatics, on whom, without distinction, they threw the guilt of those furious assassins. It is indeed certain, that the murder of Sharpe had excited an universal joy among the covenanters, and that their blind zeal had often led them, in their books and sermons, to praise and recommend the assassination of their enemies, whom they considered as the enemies of all true piety and godliness. The stories of Jael and Sisera, of Ehud and Eglon, resounded from every pulpit. The officers, quartered in the west, received more strict orders to find out and disperse all conventicles; and for that reason the covenanters, instead of meeting in small bodies, were obliged to celebrate their worship in numerous assemblies, and to bring arms for their security. At Rutherglen, a small borough near Glasgow, they openly set forth a declaration against pre-

[c] Wodrow's History of the sufferings of the church of Scotland, vol. ii. p. 28.

lacy;

lacy; and in the market-place burned several acts of parliament and acts of council, which had established that mode of ecclesiastical government, and had prohibited conventicles. For this insult on the supreme authority, they purposely chose the 29th of May, the anniversary of the restoration; and previously extinguished the bonfires, which had been kindled for that solemnity. CHAP. LXVII. 1679.

CAPTAIN Graham, afterwards viscount Dundee, an active and enterprizing officer, attacked a great conventicle upon Loudon-hill, and was repulsed with the loss of thirty men. The covenanters, finding that they were unwarily involved in such deep guilt, were engaged to persevere, and to seek, from their valour and fortune alone, for that indemnity, which the severity of the government left them no hopes of ever being able otherwise to obtain. They pushed on to Glasgow; and though at first repulsed, they afterwards made themselves masters of that city; dispossessed the established clergy; and issued proclamations, in which they declared, that they fought against the king's supremacy, against popery and prelacy, and against a popish successor.

How accidental soever this insurrection might appear, there is reason to suspect, that some great men, in combination with the popular leaders in England, had secretly instigated the covenanters to proceed to such extremities [d], and hoped for the same effects that had forty years before ensued from the disorders in Scotland. The king also, apprehensive of like consequences, immediately dispatched thither Monmouth with a small body of English cavalry. That nobleman joined to these troops the Scottish guards, and some regiments of militia, levied from the well affected counties; and with great celerity marched in quest of the rebels. They had taken post near Bothwel castle, between Hamilton and Glasgow; where there was no Battle of Bothwel-bridge.

[d] Algernon Sidney's letters, p. 90.

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1679. acceſs to them but over a bridge, which a ſmall body was able to defend againſt the king's forces. They ſhewed judgment in the choice of their poſt; but diſcovered neither judgment nor valour in any other ſtep of their conduct. No nobility and few gentry had joined them: The clergy were in reality the generals; and the whole army never exceeded 8000 men. Monmouth attacked the bridge; and the body of rebels, who defended it, maintained their poſt, as long as their ammunition laſted. When they ſent for more, they received orders to quit their ground, and to retire backwards. This imprudent meaſure occaſioned an immediate defeat to the covenanters. Monmouth paſſed the bridge without oppoſition, and drew up his forces, oppoſite to the enemy. His cannon alone put them to rout. About 700 fell in the purſuit: For properly ſpeaking there was no action. Twelve hundred were taken priſoners; and were treated by Monmouth with a humanity, which they had never experienced in their own countrymen. Such of them as would promiſe to live peaceably were diſmiſſed. About three hundred, who were ſo obſtinate as to refuſe this eaſy condition, were ſhipped for Barbadoes; but unfortunately periſhed in the voyage. Two of their clergy were hanged. Monmouth was of a generous diſpoſition; and beſides, aimed at popularity in Scotland. The king intended to intruſt the government of that kingdom in his hands. He had married a Scottiſh lady, heir of a great family, and allied to all the chief nobility. And Lauderdale, as he was now declining in his parts, and was much decayed in his memory, began to loſe with the king that influence, which he had maintained during ſo many years; notwithſtanding the efforts of his numerous enemies both in Scotland and England, and notwithſtanding the many violent and tyrannical actions, of which he had been guilty. Even at preſent he retained ſo much influence as

22d June.

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to poiſon all the good intentions, which the king, either of himſelf or by Monmouth's ſuggeſtion, had formed with regard to Scotland. An act of indemnity was granted; but Lauderdale took care, that it ſhould be ſo worded as rather to afford protection to himſelf and his aſſociates, than to the unhappy covenanters. And though orders were given to connive thenceforwards at all conventicles, he found means, under a variety of pretences, to elude the execution of them. It muſt be owned however to his praiſe, that he was the chief perſon, who, by his counſel, occaſioned the expeditious march of the forces and the prompt orders given to Monmouth; and thereby diſappointed all the expectations of the Engliſh malcontents, who, reflecting on the diſpoſition of men's minds in both kingdoms, had entertained great hopes from the progreſs of the Scottiſh inſurrection.

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State of parties——State of the miniſtry——Meal-tub plot——Whig and Tory——A new parliament——Violence of the commons——Excluſion-bill——Arguments for and againſt the excluſion——Excluſion-bill rejected——Trial of Stafford——His execution——Violence of the commons——Diſſolution of the parliament——New parliament at Oxford——Fitzharris's caſe——Parliament diſſolved——Victory of the royaliſts.

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THE king, obſerving that the whole nation concurred at firſt in the belief and proſecution of the popiſh plot, had found it neceſſary for his own ſafety to pretend, in all public ſpeeches and tranſactions, an entire belief and acquieſcence in that famous abſurdity, and by this artifice he had eluded the violent and irreſiſtible torrent of the people. When a little time and recollection, as well as the execution of the pretended conſpirators, had ſomewhat moderated the general fury, he was now enabled to form a conſiderable party, devoted to the intereſts of the crown, and determined to oppoſe the pretenſions of the malcontents.

State of parties.

In every mixed government, ſuch as that of England, the bulk of the nation will always incline to preſerve the entire frame of the conſtitution; but according to the various prejudices, intereſts, and diſpoſitions of men, ſome will ever attach themſelves with more paſſion to the regal, others to the popular part of the government. Though the king, after his reſtoration, had endeavoured

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to abolish the distinction of parties, and had chosen his ministers from among all denominations; no sooner had he lost his popularity, and exposed himself to general jealousy, than he found it necessary to court the old cavalier party, and to promise them full compensation for that neglect, of which they had hitherto complained. The present emergence made it still more necessary for him to apply for their support; and there were many circumstances, which determined them, at this time, to fly to the assistance of the crown, and to the protection of the royal family.

A PARTY, strongly attached to monarchy, will naturally be jealous of the right of succession, by which alone, they believe, stability to be preserved in the government, and a barrier fixed against the encroachments of popular assemblies. The project, openly embraced, of excluding the duke, appeared to that party a dangerous innovation: And the design, secretly projected, of advancing Monmouth, made them apprehensive, lest the inconveniencies of a disputed succession should be propagated to all posterity. While the jealous lovers of liberty maintained, that a king, whose title depended on the parliament, would naturally be more attentive to the interests, at least to the humours of the people; the passionate admirers of monarchy considered all dependance as a degradation of kingly government, and a great step towards the establishment of a commonwealth in England.

BUT though his union with the political royalists brought great accession of force to the king, he derived no less support from the confederacy, which he had, at this time, the address to form with the church of England. He represented to the ecclesiastics the great number of presbyterians and other sectaries, who had entered into the popular party; the encouragement and favour which they met with; the loudness of their cries with

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regard to popery and arbitrary power. And he made the eſtabliſhed clergy and their adherents apprehend, that the old ſcheme for the abolition of prelacy as well as monarchy was revived, and that the ſame miſeries and oppreſſions awaited them, to which, during the civil wars and uſurpations, they had ſo long been expoſed.

THE memory alſo of thoſe diſmal times united many indifferent and impartial perſons to the crown, and begat a dread leſt the zeal for liberty ſhould engraft itſelf on fanaticiſm, and ſhould once more kindle a civil war in the kingdom. Had not the king ſtill retained the prerogative of diſſolving the parliament, there was indeed reaſon to apprehend the renewal of all the pretenſions and violences, which had uſhered in the laſt commotions. The one period appeared an exact counter-part to the other: But ſtill diſcerning judges could perceive, both in the ſpirit of the parties and in the genius of the prince, a material difference; by means of which Charles was enabled at laſt, though with the imminent peril of liberty, to preſerve the peace of the nation.

THE cry againſt popery was loud; but it proceeded leſs from religious than from party zeal, in thoſe who propagated, and even in thoſe who adopted it. The ſpirit of enthuſiaſm had occaſioned ſo much miſchief, and had been ſo ſucceſsfully exploded, that it was not poſſible, by any artifice, again to revive and ſupport it. Cant had been ridiculed; hypocriſy detected; the pretenſions to a more thorough reformation, and to greater purity, had become ſuſpicious; and inſtead of denominating themſelves the *godly* party, the appellation affected at the beginning of the civil wars, the preſent patriots were content with calling themſelves the *good* and the *honeſt* party [e]: A ſure prognoſtic, that their meaſures were not to be ſo furious, nor their pretenſions ſo exorbitant.

[e] Temple, vol. i. p. 335.

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THE king too, though not endowed with the integrity and ſtrict principles of his father, was happy in a more amiable manner, and more popular addreſs. Far from being diſtant, ſtately, or reſerved, he had not a grain of pride or vanity in his whole compoſition [f]; but was the moſt affable, beſt bred man alive. He treated his ſubjects like noblemen, like gentlemen, like freemen; not like vaſſals or boors. His profeſſions were plauſible, his whole behaviour engaging; ſo that he won upon the hearts, even while he loſt the good opinion of his ſubjects, and often balanced their judgment of things by their perſonal inclination [g]. In his public conduct likewiſe, though he had ſometimes embraced meaſures dangerous to the liberty and religion of his people, he had never been found to perſevere obſtinately in them, but had always returned into that path, which their united opinion ſeemed to point out to him. And upon the whole, it appeared to many cruel and even iniquitous, to remark too rigorouſly the failings of a prince, who diſcovered ſo much facility in correcting his errors, and ſo much lenity in pardoning the offences committed againſt himſelf.

THE general affection, borne the king, appeared ſignally about this time. He fell ſick at Windſor; and had two or three fits of a fever, ſo violent as made his life be thought in danger. A general conſternation ſeized all ranks of men, encreaſed by the apprehenſions entertained of his ſucceſſor. In the preſent diſpoſition of men's minds, the king's death, to uſe an expreſſion of ſir William Temple [h], was regarded as the end of the world. The malcontents, it was feared, would proceed to extremities, and immediately kindle a civil war in the kingdom. Either their entire ſucceſs, or entire

[f] Temple, vol. i. p. 449.

[g] Diſſertation on parties, letter vii.

[h] Vol. i. p. 342.

failure,

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failure, or even the balance and conteſt of parties, ſeemed all of them events equally fatal. The king's chief counſellors, therefore, Eſſex, Halifax, and Sunderland, who ſtood on bad terms with Shafteſbury and the popular party, adviſed him to ſend ſecretly for the duke, that, in caſe of any ſiniſter accident, that prince might be ready to aſſert his right againſt the oppoſition, which he was likely to meet with. When the duke arrived, he found his brother out of danger; and it was agreed to conceal the invitation, which he had received. His journey, however, was attended with important conſequences. He prevailed on the king to diſgrace Monmouth, whoſe projects were now known and avowed; to deprive him of his command in the army; and to ſend him beyond ſea. He himſelf returned to Bruſſels; but made a ſhort ſtay in that place. He obtained leave to retire to Scotland, under pretence ſtill of quieting the apprehenſions of the Engliſh nation; but in reality with a view of ſecuring that kingdom in his intereſts.

1679. State of the miniſtry. 3d Sept.

Though Eſſex and Halifax had concurred in the reſolution of inviting over the duke, they ſoon found, that they had not obtained his confidence, and that even the king, while he made uſe of their ſervice, had no ſincere regard for their perſons. Eſſex in diſguſt reſigned the treaſury: Halifax retired to his country-ſeat: Temple, deſpairing of any accommodation among ſuch enraged parties, withdrew almoſt entirely to his books and his gardens. The king, who changed miniſters as well as meaſures with great indifference, beſtowed at this time his chief confidence on Hyde, Sunderland, and Godolphin. Hyde ſucceeded Eſſex in the treaſury.

All the king's miniſters, as well as himſelf, were extremely averſe to the meeting of the new parliament, which they expected to find as refractory as any of the preceding. The elections had gone moſtly in favour of the

the country party. The terrors of the plot had ſtill a mighty influence over the populace; and the apprehenſions of the duke's bigoted principles and arbitrary character weighed with men of ſenſe and reflection. The king therefore reſolved to prorogue the parliament, that he might try, whether time would allay thoſe humours, which, by every other expedient, he had in vain attempted to mollify. In this meaſure he did not expect the concurrence of his council. He knew, that thoſe popular leaders, whom he had admitted, would zealouſly oppoſe a reſolution, which diſconcerted all their ſchemes; and that the royaliſts would not dare, by ſupporting it, to expoſe themſelves to the vengeance of the parliament, when it ſhould be aſſembled. Theſe reaſons obliged him to take this ſtep entirely of himſelf; and he only declared his reſolution in council. It is remarkable, that, though the king had made profeſſion never to embrace any meaſure without the advice of theſe counſellors, he had often broken that reſolution, and had been neceſſitated, in affairs of the greateſt conſequence, to controul their opinion. Many of them in diſguſt threw up about this time; particularly lord Ruſſel, the moſt popular man in the nation, as well from the mildneſs and integrity of his character, as from his zealous attachment to the religion and liberties of his country. Though carried into ſome exceſſes, his intentions were ever eſteemed upright; and being heir to the greateſt fortune in the kingdom, as well as void of ambition, men believed, that nothing but the laſt neceſſity could ever engage him to embrace any deſperate meaſures. Shafteſbury, who was, in moſt particulars, of an oppoſite character, was removed by the king from the office of preſident of the council; and the earl of Radnor, a man who poſſeſſed whimſical talents and ſplenetic virtues, was ſubſtituted in his place.

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1679. It was the favour and countenance of the parliament, which had chiefly encouraged the rumour of plots; but the nation had gotten so much into that vein of credulity, and every necessitous villain was so much incited by the success of Oates and Bedloe, that, even during the prorogation, the people were not allowed to remain in tranquillity. There was one Dangerfield, a fellow who had been burned in the hand for crimes, transported, whipped, pilloried four times, fined for cheats, outlawed for felony, convicted of coining, and exposed to all the public infamy, which the laws could inflict on the basest and most shameful enormities. The credulity of the people, and the humour of the times enabled even this man to become a person of consequence. He was the author of a new incident, called the *meal-tub-plot*, from the place where some papers, relating to it, were found. The bottom of this affair it is difficult, and not very material, to discover. It only appears, that Dangerfield, under pretence of betraying the conspiracies of the presbyterians, had been countenanced by some catholics of condition, and had even been admitted to the duke's presence and the king's. And that under pretence of revealing new popish plots, he had obtained access to Shaftesbury and some of the popular leaders. Which side he intended to cheat, is uncertain; or whether he did not rather mean to cheat both: But he soon found, that the belief of the nation was more open to a popish than a presbyterian plot; and he resolved to strike in with the prevailing humour. Though no weight could be laid on his testimony, great clamour was raised; as if the court, by way of retaliation, had intended to load the presbyterians with the guilt of a false conspiracy. It must be confessed, that the present period, by the prevalence and suspicion of such mean and ignoble arts on all sides, throws a great stain on the British annals.

Meal-tub plot.

One

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ONE of the most innocent artifices, practised by party men at this time, was the additional ceremony, pomp, and expence, with which a pope-burning was celebrated in London: The spectacle served to entertain, and amuse, and inflame the populace. The duke of Monmouth likewise came over without leave, and made a triumphant procession through many parts of the kingdom, extremely caressed and admired by the people. All these arts seemed requisite to support the general prejudices, during the long interval of parliament. Great endeavours were also used to obtain the king's consent for the meeting of that assembly. Seventeen peers presented a petition to this purpose. Many of the corporations imitated the example. Notwithstanding several marks of displeasure, and even a menacing proclamation from the king, petitions came from all parts, earnestly insisting on a session of parliament. The danger of popery, and the terrors of the plot were never forgotten in any of these addresses.

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TUMULTUOUS petitioning was one of the chief artifices by which the malcontents in the last reign had attacked the crown: And though the manner of subscribing and delivering petitions was now somewhat regulated by act of parliament, the thing itself still remained; and was an admirable expedient for infesting the court, for spreading discontent, and for uniting the nation in any popular clamour. As the king found no law, by which he could punish those importunate, and, as he deemed them, undutiful solicitations, he was obliged to encounter them by popular applications of a contrary tendency. Wherever the church and court party prevailed, addresses were framed, containing expressions of the highest regard to his majesty, the most entire acquiescence in his wisdom, the most dutiful submission to his prerogative, and the deepest *abhorrence* of those, who endeavoured to encroach upon it, by prescribing to him any time

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time for assembling the parliament. Thus the nation came to be distinguished into *petitioners* and *abhorrers*.

1680. Factions indeed were at this time extremely animated against each other. The very names, by which each party denominated its antagonist, discover the virulence and rancour, which prevailed. For besides petitioner and abhorrer, appellations which were soon forgotten, this year is remarkable for being the epoch of the well-known epithets of WHIG and TORY, by which, and sometimes without any material difference, this island has been so long divided. The court party reproached their antagonists with their affinity to the fanatical conventiclers in Scotland, who were known by the name of whigs: The country party found a resemblance between the courtiers and the popish banditti in Ireland, to whom the appellation of tory was affixed. And after this manner, these foolish terms of reproach came into public and general use; and even at present seem not nearer their end than when they were first invented.

Whig and tory.

The king used every art to encourage his partizans, and to reconcile the people to his government. He persevered in the great zeal which he affected against popery. He even allowed several priests to be put to death, for no other crime than their having received orders in the Romish church. It is singular, that one of them, called Evans, was playing at tennis, when the warrant for his immediate execution was notified to him: He swore, that he would play out his set first. Charles, with the same view of acquiring popularity, formed an alliance with Spain, and also offered an alliance to Holland: But the Dutch, terrified with the great power of France, and seeing little resource in a country so distracted as England, declined acceptance. He had sent for the duke from Scotland, but desired him to return, when the time of assembling the parliament began to approach.

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It was of great consequence to the popular party, while the meeting of parliament depended on the king's will, to keep the law, whose operations are perpetual, entirely on their side. The sheriffs of London by their office return the juries: It had been usual for the mayor to nominate one sheriff by drinking to him; and the common hall had ever without dispute confirmed the mayor's choice. Sir Robert Clayton, the mayor, appointed one who was not acceptable to the popular party: The common-hall rejected him; and Bethel and Cornish, two independants, and republicans, and of consequence deeply engaged with the malcontents, were chosen by a majority of voices. In spite of all remonstrances and opposition, the citizens persisted in their choice; and the court party was obliged for the present to acquiesce.

Juries however were not so partial in the city; but that reason and justice, even when the popish plot was in question, could sometimes prevail. The earl of Castle- 23d June. maine, husband to the dutchess of Cleveland, was acquitted about this time, though accused by Oates and Dangerfield of an intention to assassinate the king. Sir Thomas Gascoigne, a very aged gentleman in the north, being accused by two servants, whom he had dismissed for dishonesty, received a like verdict. These trials were great blows to the plot, which now began to stagger, in the judgment of most men, except those who were entirely devoted to the country party. But in order still to keep alive the zeal against popery, the earl of Shaftesbury appeared in Westminster-hall, attended by the earl of Huntingdon, the lords Russel, Cavendish, Grey, Brandon, Sir Henry Caverly, Sir Gilbert Gerrard, Sir William Cooper, and other persons of distinction, and presented to the grand jury of Middlesex reasons for indicting the duke of York as a popish recusant. While the jury were deliberating on this extraordinary pre-

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presentment, the chief justice sent for them, and suddenly, even somewhat irregularly, dismissed them. Shaftesbury however obtained the end for which he had undertaken this bold measure: He showed to all his followers the desperate resolution, which he had embraced, never to admit of any accommodation or composition with the duke. By such daring conduct he gave them assurance, that he was fully determined not to desert their cause; and he engaged them to a like devoted perseverance in all the measures, which he should suggest to them.

As the kingdom was regularly and openly divided into two zealous parties, it was not difficult for the king to know, that the majority of the new house of commons was engaged in interests opposite to the court: But that he might leave no expedient untried, which could compose the unhappy differences among his subjects, he resolved, at last, after a long interval, to assemble the parliament. In his speech, he told them, that the several prorogations, which he had made, had been very advantageous to his neighbours, and very useful to himself: That he had employed that interval in perfecting with the crown of Spain an alliance, which had often been desired by former parliaments, and which, he doubted not, would be extremely agreeable to them: That, in order to give weight to this measure, and render it beneficial to Christendom, it was necessary to avoid all domestic dissensions, and to unite themselves firmly in the same views and purposes: That he was determined, that nothing on his part should be wanting to such a salutary end; and provided the succession were preserved in its due and legal course, he would concur in any expedient for the security of the protestant religion: That the farther examination of the popish plot and the punishment of the criminals were requisite for the safety

21st. Octob. A new parliament.

both of king and kingdom: And after recommending to them the neceſſity of providing, by ſome ſupplies, for the ſafety of Tangiers, he proceeded in theſe words: CHAP. LXVIII. 1680.

"But that which I value above all the treaſure in the "world, and which I am ſure will give us greater "ſtrength and reputation both at home and abroad than "any treaſure can do, is a perfect union among our- "ſelves. Nothing but this can reſtore the kingdom to "that ſtrength and vigour which it ſeems to have loſt, "and raiſe us again to that conſideration, which Eng- "land hath uſually poſſeſſed. All Europe have their "eyes upon this aſſembly, and think their own happi- "neſs and miſery, as well as ours, will depend upon it. "If we ſhould be ſo unhappy as to fall into miſunder- "ſtandings among ourſelves to that degree as would "render our frieneſhip unſafe to truſt to, it will not be "wondered at, if our neighbours ſhould begin to take "new reſolutſons, and perhaps ſuch as may be fatal to "us. Let us therefore take care, that we do not gratify "our enemies, and diſcourage our friends, by any un- "ſeaſonable diſputes. If any ſuch do happen, the "world will ſee, that it is no fault of mine: For I "have done all that it was poſſible for me to do, to keep "you in peace, while I live, and to leave you ſo, when "I die. But from ſo great prudence and ſo good affec- "tion as yours, I can fear nothing of this kind; but do "rely upon you all, that you will do your beſt en- "deavours to bring this parliament to a good and happy "concluſion."

Violence of the commons.

ALL theſe mollifying expreſſions had no influence with the commons. Every ſtep, which they took, betrayed the zeal, with which they were animated. They voted, that it was the undoubted right of the ſubject to petition the king for the calling and ſitting of parliament. Not content with this deciſion, which ſeems juſtifiable in a

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mixed monarchy, they fell with the utmoſt violence on all thoſe *abhorrers*, who, in their addreſſes to the crown, had expreſſed their diſapprobation of thoſe petitions. They did not reflect, that it was as lawful for one party of men, as for another, to expreſs their ſenſe of public affairs; and that the beſt eſtabliſhed right may, in particular circumſtances, be abuſed, and even the exerciſe of it become an object of abhorrence. For this offence, they expelled Sir Thomas Withens. They appointed a committee for farther enquiry into ſuch members as had been guilty of a like crime; and complaints were lodged againſt lord Paſton, Sir Robert Malverer, Sir Bryan Stapleton, Taylor, and Turner. They addreſſed the king againſt Sir George Jefferies, recorder of London, for his activity in the ſame cauſe; and they frightened him into a reſignation of his office, in which he was ſucceeded by Sir George Treby, a great leader of the popular party. They voted an impeachment againſt North, chief juſtice of the common pleas, for drawing the proclamation againſt tumultuous petitions: But upon examination found the proclamation ſo cautiouſly worded, that it afforded them no handle againſt him. A petition had been preſented to the king from Taunton. "How dare "you deliver me ſuch a paper?" ſaid the king to the perſon who preſented it. "Sir," replied he, "my "name is DARE." For this ſaucy reply, but under other pretences, he had been tried, fined, and committed to priſon. The commons now addreſſed the king for his liberty and for remitting his fine. Some printers alſo and authors of ſeditious libels they took under their protection.

GREAT numbers of the abhorrers, from all parts of England, were ſeized by order of the commons, and committed to cuſtody. The liberty of the ſubject, which had been ſo carefully guarded by the great charter, and

by the late law of habeas corpus, was every day violated by their arbitrary and capricious commitments. The chief jealousy, it is true, of the English constitution is naturally and justly directed against the crown; nor indeed have the commons any other means of securing their privileges than by commitments, which, as they cannot beforehand be exactly determined by law, must always appear in some degree arbitrary. Sensible of these reasons, the people had hitherto, without murmuring, seen this discretionary power exercised by the house: But as it was now carried to excess, and was abused to serve the purposes of faction, great complaints against it were heard from all quarters. At last, the vigour and courage of one Stowel of Exeter, an abhorrer, put an end to the practice. He refused to obey the serjeant at arms, stood upon his defence, and said that he knew of no law, by which they pretended to commit him. The house, finding it equally dangerous to proceed or to recede, got off by an evasion: They inserted in their votes, that Stowel was indisposed, and that a month's time was allowed him for the recovery of his health. CHAP. LXVIII. 1680.

But the chief violence of the house of commons appeared in all their transactions with regard to the plot, which they prosecuted with the same zeal and the same credulity as their predecessors. They renewed the former vote, which affirmed the reality of the horrid popish plot; and, in order the more to terrify the people, they even asserted, that, notwithstanding the discovery, the plot still subsisted. They expelled Sir Robert Can, and Sir Robert Yeomans, who had been complained of, for saying, that there was no popish, but there was a presbyterian plot. And they greatly lamented the death of Bedloe, whom they called a material witness, and on whose testimony they much depended. He had been seized with a fever at Bristol; had sent for chief justice

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North; confirmed all his former evidence, except that with regard to the duke and the queen; and desired North to apply to the king for some money to relieve him in his necessities. A few days after, he expired; and the whole party triumphed extremely in these circumstances of his death: As if such a testimony could be deemed the affirmation of a dying man, as if his confession of perjury in some instances could assure his veracity in the rest, and as if the perseverance of one profligate could outweigh the last words of so many men, guilty of no crime but that of popery.

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The commons even endeavoured, by their countenance and protection, to remove the extreme infamy, with which Dangerfield was loaded, and to restore him to the capacity of being an evidence. The whole tribe of informers they applauded and rewarded: Jennison, Turberville, Dugdale, Smith, la Faria, appeared before them; and their testimony, however frivolous or absurd, met with a favourable reception: The king was applied to in their behalf for pensions and pardons: Their narratives were printed with that sanction, which arose from the approbation of the house: Dr. Tongue was recommended for the first considerable church preferment, which should become vacant. Considering men's determined resolution to believe, instead of admiring that a palpable falshood should be maintained by witnesses, it may justly appear wonderful, that no better evidence was ever produced against the catholics.

The principal reasons, which still supported the clamour of the popish plot, were the apprehensions entertained by the people, of the duke of York, and the resolution, embraced by their leaders, of excluding him from the throne. Shaftesbury and many considerable men of the party, had rendered themselves irreconcileable with him, and could find their safety no way but in his ruin.

Exclusion-bill.

Monmouth's

Monmouth's friends hoped, that the excluſion of that prince would make way for their patron. The reſentment againſt the duke's apoſtacy, the love of liberty, the zeal for religion, the attachment to faction; all theſe motives incited the country party. And above all, what ſupported the reſolution of adhering to the excluſion, and rejecting all other expedients offered, was the hope artfully encouraged, that the king would at laſt be obliged to yield to their demand. His revenues were extremely burdened; and even if free, could ſcarcely ſuffice for the neceſſary charges of government, much leſs for that pleaſure and expence, to which he was inclined. Though he had withdrawn his countenance from Monmouth, he was known ſecretly to retain a great affection for him. On no occaſion had he ever been found to perſiſt obſtinately againſt difficulties and importunity. And as his beloved miſtreſs, the dutcheſs of Portſmouth, had been engaged, either from lucrative views, or the hopes of making the ſucceſſion fall on her own children, to unite herſelf with the popular party; this incident was regarded as a favourable prognoſtic of their ſucceſs. Sunderland, ſecretary of ſtate, who had linked his intereſt with that of the dutcheſs, had concurred in the ſame meaſure.

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But beſides friendſhip for his brother and a regard to the right of ſucceſſion, there were many ſtrong reaſons, which had determined Charles to perſevere in oppoſing the excluſion. All the royaliſts and the devotees to the church; that party by which alone monarchy was ſupported; regarded the right of ſucceſſion as inviolable; and if abandoned by the king in ſo capital an article, it was to be feared, that they would, in their turn, deſert his cauſe, and deliver him over to the pretenſions and uſurpations of the country party. The country party, or the whigs, as they were called, if they did not ſtill

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retain some propensity towards a republic, were at least affected with a violent jealousy of regal power; and it was equally to be dreaded, that, being enraged with past opposition and animated by present success, they would, if they prevailed in this pretension, be willing as well as able, to reduce the prerogative within very narrow limits. All menaces therefore, all promises were in vain employed against the king's resolution: He never would be prevailed on to desert his friends, and put himself into the hands of his enemies. And having voluntarily made such important concessions, and tendered, over and over again, such strong limitations, he was well pleased to find them rejected by the obstinacy of the commons; and hoped, that, after the spirit of opposition had spent itself in fruitless violence, the time would come, when he might safely appeal against his parliament to his people.

So much were the popular leaders determined to carry matters to extremities, that in less than a week after the commencement of the session, a motion was made for bringing in an exclusion-bill, and a committee was appointed for that purpose. This bill differed in nothing from the former, but in two articles, which showed still an encrease of zeal in the commons: The bill was to be read to the people twice a-year in all the churches of the kingdom, and every one, who should support the duke's title was rendered incapable of receiving a pardon but by act of parliament.

THE debates were carried on with great violence on both sides. The bill was defended by Sir William Jones, who had now resigned his office of attorney-general, by lord Russel, by Sir Francis Winnington, Sir Harry Capel, Sir William Pulteney, by colonel Titus, Treby, Hambden, Montague. It was opposed by Sir Leoline Jenkins, secretary of state, Sir John Ernley, chancellor of the exchequer, by Hyde, Seymour, Temple,

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Temple. The arguments, tranſmitted to us, may be reduced to the following topics. CHAP. LXVIII. 1680.

In every government, ſaid the excluſioniſts, there is ſomewhere an authority abſolute and ſupreme; nor can any determination, how unuſual ſoever, which receives the ſanction of the legiſlature, admit afterwards of diſpute or controul. The liberty of a conſtitution, ſo far from diminiſhing this abſolute power, ſeems rather to add force to it, and to give it greater influence over the people. The more members of the ſtate concur in any legiſlative deciſion, and the more free their voice; the leſs likelihood is there, that any oppoſition will be made to thoſe meaſures, which receive the final ſanction of their authority. In England, the legiſlative power is lodged in king, lords, and commons, which comprehend every order of the community: And there is no pretext for exempting any circumſtance of government, not even the ſucceſſion of the crown, from ſo full and deciſive a juriſdiction. Even expreſs declarations have, in this particular, been made of parliamentary authority: Inſtances have occurred, where it has been exerted: And though prudential reaſons may juſtly be alledged, why ſuch innovations ſhould not be attempted but on extraordinary occaſions, the power and right are for ever veſted in the community. But if any occaſion can be deemed extraordinary, if any emergence can require unuſual expedients, it is the preſent; when the heir to the crown has renounced the religion of the ſtate, and has zealouſly embraced a faith, totally hoſtile and incompatible. A prince of that communion can never put truſt in a people, ſo prejudiced againſt him: The people muſt be equally diffident of ſuch a prince: Foreign and deſtructive alliances will ſeem to one the only protection of his throne: Perpetual jealouſy, oppoſition, faction, even inſurrections will be employed by the other as the ſole ſecurities for Arguments for and againſt the excluſion.

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their liberty and religion. Though theological principles, when ſet in oppoſition to paſſions, have often ſmall influence on mankind in general, ſtill leſs on princes; yet when they become ſymbols of faction, and marks of party diſtinctions, they concur with one of the ſtrongeſt paſſions in the human frame, and are then capable of carrying men to the greateſt extremities. Notwithſtanding the better judgment and milder diſpoſition of the king; how much has the influence of the duke already diſturbed the tenor of government? How often engaged the nation into meaſures totally deſtructive of their foreign intereſts and honour, of their domeſtic repoſe and tranquillity? The more the abſurdity and incredibility of the popiſh plot are inſiſted on, the ſtronger reaſon it affords for the excluſion of the duke; ſince the univerſal belief of it diſcovers the extreme antipathy of the nation to his religion, and the utter impoſſibility of ever bringing them to acquieſce peaceably under the dominion of ſuch a ſovereign. The prince, finding himſelf in ſo perilous a ſituation, muſt ſeek for ſecurity by deſperate remedies, and by totally ſubduing the privileges of a nation, which had betrayed ſuch hoſtile diſpoſitions towards himſelf, and towards every thing which he deems the moſt ſacred. It is in vain to propoſe limitations and expedients. Whatever ſhare of authority is left in the duke's hands, will be employed to the deſtruction of the nation; and even the additional reſtraints, by diſcovering the public diffidence and averſion, will ſerve him as incitements to put himſelf in a condition entirely ſuperior and independant. And as the laws of England ſtill make reſiſtance treaſon, and neither do nor can admit of any poſitive exceptions; what folly to leave the kingdom in ſo perilous and abſurd a ſituation; where the greateſt virtue will be expoſed to the moſt ſevere proſcription, and where the laws can only be

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be ſaved by expedients, which theſe ſame laws have declared the higheſt crime and enormity?

THE court party reaſoned in an oppoſite manner. An authority, they ſaid, wholly abſolute and uncontroulable is a mere chimera, and is no where to be found in any human inſtitutions. All government is founded on opinion and a ſenſe of duty; and wherever the ſupreme magiſtrate, by any law or poſitive preſcription, ſhocks an opinion regarded as fundamental, and eſtabliſhed with a firmneſs equal to that of his own authority, he ſubverts the principle, by which he himſelf is eſtabliſhed, and can no longer hope for obedience. In European monarchies, the right of ſucceſſion is juſtly eſteemed a fundamental; and even though the whole legiſlature be veſted in a ſingle perſon, it would never be permitted him by an edict, to diſinherit his lawful heir, and call a ſtranger or more diſtant relation to the throne. Abuſes in other parts of government are capable of redreſs, from more diſpaſſionate enquiry or better information of the ſovereign, and till then ought patiently to be endured: But violations of the right of ſucceſſion draw ſuch terrible conſequences after them as are not to be paralleled by any other grievance or inconvenience. Vainly is it pleaded, that England is a mixed monarchy; and that a law, aſſented to by king, lords, and commons, is enacted by the concurrence of every part of the ſtate: It is plain, that there remains a very powerful party, who may indeed be out-voted, but who never will deem a law, ſubverſive of hereditary right, any wiſe valid or obligatory. Limitations, ſuch as are propoſed by the king, give no ſhock to the conſtitution, which, in many particulars, is already limited; and they may be ſo calculated as to ſerve every purpoſe, ſought for by an excluſion. If the ancient barriers againſt regal authority have

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have been able, during ſo many ages, to remain impregnable; how much more, thoſe additional ones, which, by depriving the monarch of power, tend ſo far to their own ſecurity? The ſame jealouſy too of religion, which has engaged the people to lay theſe reſtraints upon the ſucceſſor, will extremely leſſen the number of his partizans, and make it utterly impracticable for him, either by force or artifice, to break the fetters, impoſed upon him. The king's age and vigorous ſtate of health promiſe him a long life: And can it be prudent to tear in pieces the whole ſtate, in order to provide againſt a contingency, which, it is very likely, may never happen? No human ſchemes can ſecure the public in all poſſible, imaginable, events; and the bill of excluſion itſelf, however accurately framed, leaves room for obvious and natural ſuppoſitions, to which it pretends not to provide any remedy. Should the duke have a ſon, after the king's death muſt that ſon, without any default of his own, forfeit his title? or muſt the princeſs of Orange deſcend from the throne, in order to give place to the lawful ſucceſſor? But were all theſe reaſonings falſe, it ſtill remains to be conſidered, that, in public deliberations, we ſeek not the expedient, which is beſt in itſelf, but the beſt of ſuch as are practicable. The king willingly conſents to limitations, and has already offered ſome which are of the utmoſt importance: But he is determined to endure any extremity rather than allow the right of ſucceſſion to be invaded. Let us beware of that factious violence, which leads to demand more than will be granted; leſt we loſe the advantage of thoſe beneficial conceſſions, and leave the nation, on the king's demiſe, at the mercy of a zealous prince, irritated with the ill uſage, which, he imagines, he has already met with.

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In the house of commons, the reasoning of the exclusionists appeared the more convincing; and the bill passed by a great majority. It was in the house of peers that the king expected to oppose it with success. The court party was there so prevalent, that it was carried only by a majority of two to pay so much regard to the bill as even to commit it. When it came to be debated, the contest was violent. Shaftesbury, Sunderland, and Essex argued for it: Halifax chiefly conducted the debate against it, and displayed an extent of capacity and a force of eloquence, which had never been surpassed in that assembly. He was animated, as well by the greatness of the occasion, as by a rivalship with his uncle Shaftesbury; whom, during that day's debate, he seemed, in the judgment of all, to have totally eclipsed. The king was present during the whole debate, which was prolonged till eleven at night. The bill was thrown out by a considerable majority. All the bishops, except three, voted against it. Besides the influence of the court over them; the church of England, they imagined or pretended, was in greater danger from the prevalence of presbyterianism than of popery, which, though favoured by the duke, and even by the king, was extremely repugnant to the genius of the nation.

15th Nov.

Exclusion bill rejected.

The commons discovered much ill humour upon this disappointment. They immediately voted an address for the removal of Halifax from the king's councils and presence for ever. Though the pretended cause was his advising the late frequent prorogations of parliament, the real reason was apparently his vigorous opposition to the exclusion-bill. When the king applied for money to enable him to maintain Tangiers, which he declared his present revenues totally unable to defend; instead of complying, they voted such an address as was in reality a remonstrance, and one little less violent than that famous

remonstrance,

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remonſtrance, which uſhered in the civil wars. All the abuſes of government, from the beginning almoſt of the reign, are there inſiſted on; the Dutch war, the alliance with France, the prorogations and diſſolutions of parliament; and as all theſe meaſures, as well as the *damnable* and *helliſh* plot, are there aſcribed to the machinations of papiſts, it was plainly inſinuated, that the king had, all along, lain under the influence of that party, and was in reality the chief conſpirator againſt the religion and liberties of his people.

THE commons, though they conducted the great buſineſs of the excluſion with extreme violence and even imprudence, had yet much reaſon for the jealouſy, which gave riſe to it: But their vehement proſecution of the popiſh plot even after ſo long an interval, diſcovers ſuch a ſpirit, either of credulity or injuſtice, as admits of no apology. The impeachment of the catholic lords in the Tower was revived; and as viſcount Stafford, from his age, infirmities, and narrow capacity, was deemed the leaſt capable of defending himſelf, it was determined to make him the firſt victim, that his condemnation might pave the way for a ſentence againſt the reſt. The chan-

30th Nov. cellor, now created earl of Nottingham, was appointed high ſteward for conducting the trial.

Trial of Stafford.

THREE witneſſes were produced againſt the priſoner; Oates, Dugdale, and Turberville. Oates ſwore, that he ſaw Fenwic, the jeſuit, deliver to Stafford a commiſſion ſigned by de Oliva, general of the jeſuits, appointing him pay-maſter to the papal army, which was to be levied for the ſubduing of England: For this ridiculous impoſture ſtill maintained its credit with the commons. Dugdale gave teſtimony, that the priſoner, at Tixal, a ſeat of lord Aſton's, had endeavoured to engage him in the deſign of murdering the king; and had

promiſed

promiſed him, beſides the honour of being ſainted by the church, a reward of 500 pounds for that ſervice. Turberville depoſed, that the priſoner, in his own houſe at Paris, had made him a like propoſal. To offer money for murdering a king, without laying down any ſcheme, by which the aſſaſſin may inſure ſome probability or poſſibility of eſcape, is ſo incredible in itſelf, and may ſo eaſily be maintained by any proſtitute evidence, that an accuſation of that nature, not accompanied with circumſtances, ought very little to be attended to by any court of judicature. But notwithſtanding the ſmall hold, which the witneſſes afforded, the priſoner was able in many material particulars, to diſcredit their teſtimony. It was ſworn by Dugdale, that Stafford had aſſiſted in a great conſult of the catholics held at Tixal; but Stafford proved by undoubted teſtimony, that at the time aſſigned he was in Bath, and in that neighbourhood. Turberville had ſerved a noviciate among the Dominicans; but having deſerted the convent, he had enliſted as a trooper in the French army; and being diſmiſſed that ſervice, he now lived in London, abandoned by all his relations, and expoſed to great poverty. Stafford proved, by the evidence of his gentleman and his page, that Turberville had never, either at Paris or at London, been ſeen in his company; and it might juſtly appear ſtrange, that a perſon, who had ſo important a ſecret in his keeping, was ſo long entirely neglected by him. CHAP. LXVIII. 1680.

THE clamour and outrage of the populace, during the trial, were extreme: Great abilities and eloquence were diſplayed by the managers, Sir William Jones, Sir Francis Winnington, and ſerjeant Maynard: Yet did the priſoner, under all theſe diſadvantages, make a better defence than was expected, either by his friends or his enemies: The unequal conteſt, in which he was engaged, was a plentiful ſource of compaſſion to every mind, ſeaſoned

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soned with humanity. He represented, that, during a course of forty years, from the very commencement of the civil wars, he had, through many dangers, difficulties and losses, still maintained his loyalty: And was it credible, that now, in his old age, easy in his circumstances, but dispirited by infirmities, he would belye the whole course of his life, and engage against his royal master, from whom he had ever received kind treatment, in the most desperate and most bloody of all conspiracies? He remarked the infamy of the witnesses; the contradictions and absurdities of their testimony; the extreme indigence in which they had lived, though engaged, as they pretended, in a conspiracy with kings, princes, and nobles; the credit and opulence to which they were at present raised. With a simplicity and tenderness more persuasive than the greatest oratory, he still made protestations of his innocence, and could not forbear, every moment, expressing the most lively surprize and indignation at the audacious impudence of the witnesses.

It will appear astonishing to us, as it did to Stafford himself, that the peers, after a solemn trial of six days, should, by a majority of twenty-four voices, give sentence against him. He received however with resignation the fatal verdict. *God's holy name be praised*, was the only exclamation which he uttered. When the high-steward told him, that the peers would intercede with the king for remitting the more cruel and ignominious parts of the sentence, hanging and quartering; he burst into tears: But he told the lords, that he was moved to this weakness, by his sense of their goodness, not by any terror of that fate, which he was doomed to suffer.

It is remarkable, that, after Charles, as is usual in such cases, had remitted to Stafford the hanging and quartering, the two sheriffs, Bethel and Cornish, indulging their

their own republican humour, and complying with the prevalent ſpirit of their party, ever jealous of monarchy, ſtarted a doubt with regard to the king's power of exerciſing even this ſmall degree of lenity. "Since he cannot pardon the whole," ſaid they, "how can he have "power to remit any part of the ſentence?" They propoſed the doubt to both houſes: The peers pronounced it ſuperfluous; and even the commons, apprehenſive leſt a queſtion of this nature might make way for Stafford's eſcape, gave this ſingular anſwer. "This houſe is *con-* "*tent*, that the ſheriffs do execute William late viſcount "Stafford by ſevering his head from his body *only*." Nothing can be a ſtronger proof of the fury of the times, than that lord Ruſſel, notwithſtanding the virtue and humanity of his character, ſeconded in the houſe this barbarous ſcruple of the ſheriffs. CHAP. LXVIII. 1680.

In the interval between the ſentence and execution, many efforts were made to ſhake the reſolution of the infirm and aged priſoner, and to bring him to ſome confeſſion of the treaſon, for which he was condemned. It was even rumoured, that he had confeſſed; and the zealous partymen, who, no doubt, had ſecretly, notwithſtanding their credulity, entertained ſome doubts with regard to the reality of the popiſh conſpiracy, expreſſed great triumph on the occaſion. But Stafford, when again called before the houſe of peers, diſcovered many ſchemes, which had been laid by himſelf and others for procuring a toleration to the catholics, at leaſt a mitigation of the penal laws, enacted againſt them: And he proteſted, that this was the ſole treaſon, of which he had ever been guilty.

Stafford now prepared himſelf for death with the intrepidity, which became his birth and ſtation, and which was the natural reſult of the innocence and integrity, which, during the courſe of a long life, he had ever maintained: His mind ſeemed even to collect new force from

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1680. 29th Dec. and execution.

from the violence and oppreſſion, under which he laboured. When going to execution, he called for a cloak to defend him againſt the rigour of the ſeaſon. "Perhaps," ſaid he "I may ſhake with cold; but, I truſt in God, not "for fear." On the ſcaffold, he continued, with reiterated and earneſt aſſeverations, to make proteſtations of his innocence: All his fervour was exerciſed on that point: When he mentioned the witneſſes, whoſe perjuries had bereaved him of life, his expreſſions were full of mildneſs and of charity. He ſolemnly diſavowed all thoſe immoral principles, which over-zealous proteſtants had aſcribed without diſtinction to the church of Rome: And he hoped, he ſaid, that the time was now approaching, when the preſent deluſion would be diſſipated; and when the force of truth, though late, would engage the whole world to make reparation to his injured honour.

THE populace, who had exulted at Stafford's trial and condemnation, were now melted into tears, at the ſight of that tender fortitude, which ſhone forth in each feature, and motion, and accent of this aged noble. Their profound ſilence was only interrupted by ſighs and groans: With difficulty they found ſpeech to aſſent to thoſe proteſtations of innocence, which he frequently repeated: "We believe you, my lord! God bleſs you, my lord!" Theſe expreſſions with a faultering accent flowed from them. The executioner himſelf was touched with ſympathy. Twice he lifted up the ax, with an intent to ſtrike the fatal blow; and as often felt his reſolution to fail him. A deep ſigh was heard to accompany his laſt effort, which laid Stafford for ever at reſt. All the ſpectators ſeemed to feel the blow. And when the head was held up to them with the uſual cry, *This is the head of a traitor*, no clamour of aſſent was uttered. Pity, remorſe, and aſtoniſhment had taken poſſeſſion of every heart, and diſplayed itſelf in every countenance.

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THIS is the laſt blood which was ſhed on account of the popiſh plot: An incident, which, for the credit of the nation, it were better to bury in eternal oblivion; but which it is neceſſary to perpetuate, as well to maintain the truth of hiſtory, as to warn, if poſſible, their poſterity and all mankind never again to fall into ſo ſhameful, ſo barbarous a deluſion.

THE execution of Stafford gratified the prejudices of the country party; but it contributed nothing to their power and ſecurity: On the contrary, by exciting commiſeration, it tended ſtill farther to encreaſe that diſbelief of the whole plot, which began now to prevail. The commons, therefore, not to loſe the preſent opportunity, reſolved to make both friends and enemies ſenſible of their power. They paſſed a bill for eaſing the proteſtant diſſenters, and for repealing the perſecuting ſtatute of the thirty-fifth of Elizabeth: This laudable bill was likewiſe carried through the houſe of peers. The chief juſtice was very obnoxious for diſmiſſing the grand jury in an irregular manner, and thereby diſappointing that bold meaſure of Shafteſbury and his friends, who had preſented the duke as a recuſant. For this crime the commons ſent up an impeachment againſt him; as alſo againſt Jones and Weſton, two of the judges, who, in ſome ſpeeches from the bench, had gone ſo far as to give to many of the firſt reformers the appellation of fanatics.

THE king, in rejecting the excluſion bill, had ſheltered himſelf ſecurely behind the authority of the houſe of peers; and the commons had been deprived of the uſual pretence, to attack the ſovereign himſelf, under colour of attacking his miniſters and counſellors. In proſecution however of the ſcheme, which he had formed, of throwing the blame on the commons in caſe of any rupture, he made them a new ſpeech. After warning them, that a neglect of this opportunity would never be

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retrieved, he added these words: "I did promise you the "fullest satisfaction, which your hearts could wish, for "the security of the protestant religion, and to concur "with you in any remedies, which might consist with "preserving the succession of the crown in its due and "legal course of descent. I do again, with the same re-"servations, renew the same promises to you: And "being thus ready on my part to do all that can reason-"ably be expected from me, I should be glad to know "from you, as soon as may be, how far I shall be assist-"ed by you, and what it is you desire from me."

THE most reasonable objection against the limitations, proposed by the king, is, that they introduced too considerable an innovation in the government, and almost totally annihilated the power of the future monarch. But considering the present disposition of the commons and their leaders, we may fairly presume, that this objection would have small weight with them, and that their disgust against the court would rather incline them to diminish than support regal authority. They still hoped, from the king's urgent necessities and his usual facility, that he would throw himself wholly into their hands; and that thus, without waiting for the accession of the duke, they might immediately render themselves absolute masters of the government. The commons, therefore, besides insisting still on the exclusion, proceeded to bring in bills of an important, and some of them of an alarming nature: One to renew the triennial act, which had been so inadvertently repealed in the beginning of the reign: A second to make the office of judge during good behaviour: A third to declare the levying of money without consent of parliament to be high treason: A fourth to order an association for the safety of his majesty's person, for defence of the protestant religion, for the preservation of the protestant subjects against all invasions and

Violence of the commons.

opposition

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opposition whatsoever, and for preventing the duke of York or any papist from succeeding to the crown. The memory of the covenant was too recent for men to overlook the consequences of such an association: And the king, who was particularly conversant in Davila, could not fail of recollecting a memorable foreign instance, to fortify this domestic experience.

THE commons also passed many votes, which, though they had not the authority of laws, served however to discover the temper and disposition of the house. They voted, that whoever had advised his majesty to refuse the exclusion bill, were promoters of popery and enemies to the king and kingdom. In another vote, they named the marquess of Worcester, the earls of Clarendon, Feversham, and Halifax, Laurence Hyde, and Edward Seymour, as those dangerous enemies; and they requested his majesty to remove them from his person and councils for ever: They voted, that, till the exclusion bill were passed, they could not, consistent with the trust reposed in them, grant the king any manner of supply. And lest he should be enabled, by any other expedient, to support the government, and preserve himself independant, they passed another vote, in which they declared, that whoever should hereafter lend, by way of advance, any money upon those branches of the king's revenue, arising from customs, excise, or hearth money, should be judged a hinderer of the sitting of parliament, and be responsible for the same in parliament.

THE king might presume, that the peers, who had rejected the exclusion bill, would still continue to defend the throne, and that none of the dangerous bills, introduced into the other house, would ever be presented for the royal assent and approbation. But as there remained no hopes of bringing the commons to any better temper, and as their farther sitting served only to keep faction

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1681. 10th Jan. Diſſolution of the parliament.

alive, and to perpetuate the general ferment of the nation, he came ſecretly to a reſolution of proroguing them. They got intelligence about a quarter of an hour before the black rod came to their door. Not to loſe ſuch precious time, they paſſed in a tumultuous manner ſome extraordinary reſolutions. They voted, *that* whoſoever adviſed his majeſty to prorogue this parliament to any other purpoſe than in order to paſs the bill of excluſion, was a betrayer of the king, of the proteſtant religion, and of the kingdom of England; a promoter of the French intereſt, and a penſioner of France: *That* thanks be given to the city of London for their manifeſt loyalty, and for their care and vigilance in the preſervation of the king and of the proteſtant religion: *That* it is the opinion of this houſe, that that city was burned in the year 1666 by the papiſts, deſigning thereby to introduce arbitrary power and popery into the kingdom: *That* humble application be made to his majeſty for reſtoring the duke of Monmouth to all his offices and commands, from which, it appears to the houſe, he had been removed by the influence of the duke of York. And *that* it is the opinion of the houſe that the proſecution of the proteſtant diſſenters upon the penal laws is at this time grievous to the ſubject, a weakening of the proteſtant intereſt, an encouragement of popery, and dangerous to the peace of the kingdom.

The king paſſed ſome laws of no great importance: But the bill for repealing the thirty-fifth of Elizabeth, he privately ordered the clerk of the crown not to preſent to him. By this artifice, which was equally diſobliging to the country party as if the bill had been rejected, and at the ſame time implied ſome timidity in the king, that ſalutary act was for the preſent eluded. The king had often of himſelf attempted, and ſometimes by irregular means, to give indulgence to nonconformiſts: But beſides that he had uſually expected to comprehend the catholics

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in this liberty, the present refractory disposition of the sectaries had much incensed him against them; and he was resolved, if possible, to keep them still at mercy. CHAP. LXVIII. 1681.

THE last votes of the commons seemed to be an attempt of forming indirectly an association against the crown, after they found, that their association bill could not pass: The dissenting interest, the city, and the duke of Monmouth, they endeavoured to connect with the country party. A civil war indeed never appeared so likely as at present; and it was high time for the king to dissolve a parliament, which seemed to have entertained such dangerous projects. Soon after, he summoned another. Though he observed, that the country party had established their interest so strongly in all the electing burroughs, that he could not hope for any disposition more favourable in the new parliament, this expedient was still a prosecution of his former project, of trying every method, by which he might form an accommodation with the commons: And if all failed, he hoped, that he could the better justify to his people, at least to his party, a final breach with them.

IT had always been much regretted by the royalists, during the civil wars, that the long parliament had been assembled at Westminster, and had thereby received force and encouragement from the vicinity of a potent and factious city, which had zealously embraced their party. Though the king was now possessed of guards, which in some measure overawed the populace, he was determined still farther to obviate all inconveniencies; and he summoned the new parliament to meet at Oxford. The city of London showed how just a judgment he had formed of their dispositions. Besides re-electing the same members, they voted thanks to them for their former behaviour, in endeavouring to discover the depth of the *horrid* and *hellish* popish plot, and to exclude the duke of

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York, the principal cauſe of the ruin and miſery, impending over the nation. Monmouth with fifteen peers

1681. preſented a petition againſt aſſembling the parliament at Oxford, "where the two houſes," they ſaid, "could "not be in ſafety; but would be eaſily expoſed to the "ſwords of the papiſts and their adherents, of whom too "many had creeped into his majeſty's guards." Theſe inſinuations, which pointed ſo evidently at the king himſelf, were not calculated to perſuade him, but to inflame the people.

THE excluſioniſts might have concluded, both from the king's diſſolution of the laſt parliament, and from his ſummoning of the preſent to meet at Oxford, that he was determined to maintain his declared reſolution of rejecting their favourite bill: But they ſtill flattered themſelves, that his urgent neceſſities would influence his eaſy temper, and finally gain them the aſcendant. The leaders came to parliament, attended not only by their ſervants, but by numerous bands of their partizans. The four city members in particular were followed by great multitudes, wearing ribbons, in which were woven theſe words, *No popery! No ſlavery!* The king had his guards regularly muſtered: His party likewiſe endeavoured to make a ſhow of their ſtrength: And on the whole, the aſſembly at Oxford rather bore the appearance of a tumultuous Poliſh diet, than of a regular Engliſh parliament.

21ſt March. THE king, who had hitherto employed the moſt gracious expreſſions to all his parliaments, particularly the two laſt, thought proper to addreſs himſelf to the preſent in a more authoritative manner. He complained of the unwarrantable proceedings of the former houſe of commons; and ſaid, that, as he would never uſe arbitrary government himſelf, neither would he ever ſuffer it in others. By calling, however, this parliament ſo ſoon, he had ſufficiently ſhown, that no paſt irregularities could

New parliament at Oxford.

inſpire

inſpire him with a prejudice againſt thoſe aſſemblies. He now afforded them, he added, yet another opportunity of providing for the public ſafety; and to all the world had given one evidence more, that on his part he had not neglected the duty incumbent on him. CHAP. LXVIII. 1681.

THE commons were not over-awed by the magiſterial air of the king's ſpeech. They conſiſted almoſt entirely of the ſame members; they choſe the ſame ſpeaker; and they inſtantly fell into the ſame meaſures, the impeachment of Danby, the repeal of the perſecuting ſtatute of Elizabeth, the enquiry into the popiſh plot, and the bill of excluſion. So violent were they on this laſt article, that no other expedient, however plauſible, could ſo much as be hearkened to. Ernley, one of the king's miniſters, propoſed, that the duke ſhould be baniſhed, during life, five hundred miles from England, and that on the king's demiſe the next heir ſhould be conſtituted regent with regal power: Yet even this expedient, which left the duke only the bare title of king, could not, though ſeconded by Sir Thomas Lyttleton and Sir Thomas Mompeſſon, obtain the attention of the houſe. The paſt diſappointments of the country party, and the oppoſition made by the court, had only rendered them more united, more haughty, and more determined. No method but their own, of excluding the duke, could give them any ſatisfaction.

THERE was one Fitz-harris, an Iriſh catholic, who had inſinuated himſelf into the dutcheſs of Portſmouth's acquaintance, and had been very buſy in conveying to her intelligence of any libel written by the country party, or of any deſigns entertained againſt her or againſt the court. For ſervices of this kind, and perhaps too, from a regard to his father, Sir Edward Fitz-harris, who had been an eminent royaliſt, he had received from the king a preſent of 250 pounds. This man met with one Everard, Fitz-harris's caſe.

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rard, a Scotchman, a ſpy of the excluſioniſts, and an informer concerning the popiſh plot; and he engaged him to write a libel againſt the king, the duke, and the whole adminiſtration. What Fitz-harris's intentions were, cannot well be aſcertained: It is probable, as he afterwards aſſerted, that he meant to carry this libel to his patron, the dutcheſs, and to make a merit of the diſcovery. Everard, who ſuſpected ſome other deſign, and who was well pleaſed on his ſide to have the merit of a diſcovery with his patrons, reſolved to betray his friend: He poſted Sir William Waller, a noted juſtice of peace, and two perſons more behind the hangings, and gave them an opportunity of ſeeing and hearing the whole tranſaction. The libel, ſketched out by Fitz-harris, and executed partly by him, partly by Everard, was the moſt furious, indecent, and outrageous performance imaginable; and ſuch as was fitter to hurt than ſerve any party, which ſhould be ſo imprudent as to adopt it. Waller carried the intelligence to the king, and obtained a warrant for committing Fitz-harris, who happened, at that very time, to have a copy of the libel in his pocket. Finding himſelf now delivered over to the law, he reſolved to pay court to the popular party, who were alone able to protect him, and by whom he obſerved almoſt all trials to be governed and directed. He affirmed, that he had been employed by the court to write the libel, in order to throw the odium of it on the excluſioniſts: But this account, which was within the bounds of credibility, he diſgraced by circumſtances, which are altogether abſurd and improbable. The intention of the miniſters, he ſaid, was to ſend about copies to all the heads of the country party; and the moment they received them, they were to be arreſted, and a conſpiracy to be imputed to them. That he might merit favour by ſtill more important intelligence, he commenced a diſcoverer of the great popiſh plot; and he failed not to confirm

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all the tremendous circumstances, insisted on by his predecessors. He said, that the second Dutch war was entered into with a view of extirpating the protestant religion, both abroad and at home; that father Parry, a jesuit, on the disappointment by the peace, told him, that the catholics resolved to murder the king, and had even engaged the queen in that design; that the envoy of Modena offered him 10,000 pounds to kill the king, and upon his refusal the envoy said, that the duchess of Mazarine, who was as expert at poisoning as her sister, the countess of Soissons, would, with a little phial, execute that design; that upon the king's death the army in Flanders was to come over, and massacre the protestants; that money was raised in Italy for recruits and supplies, and there should be no more parliaments; and that the duke was privy to this whole plan, and had even entered into the design of Godfrey's murder, which was executed in the manner related by Prance. CHAP. LXVIII. 1681.

THE popular leaders had, all along, been very desirous of having an accusation against the duke; and though Oates and Bedloe, in their first evidence, had not dared to go so far, both Dugdale and Dangerfield had afterwards been encouraged to supply so material a defect, by comprehending him in the conspiracy. The commons, therefore, finding that Fitz-harris was also willing to serve this purpose, were not ashamed to adopt his evidence, and resolved for that end to save him from the destruction, with which he was at present threatened. The king had removed him from the city-prison, where he was exposed to be tampered with by the exclusionists; had sent him to the Tower; and had ordered him to be prosecuted by an indictment at common law. In order to prevent his trial and execution, an impeachment was voted by the commons against him, and sent up to the lords. That they might shew the greater contempt of the

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the court, they ordered, by way of deriſion, that the impeachment ſhould be carried up by ſecretary Jenkins; who was ſo provoked by the intended affront, that he at firſt refuſed obedience; though afterwards, being threatened with commitment, he was induced to comply. The lords voted to remit the affair to the ordinary courts of juſtice, before whom, as the attorney-general informed them, it was already determined to try Fitz-harris. The commons maintained, that the peers were obliged to receive every impeachment from the commons; and this indeed ſeems to have been the firſt inſtance of their refuſal: They therefore voted, that the lords, in rejecting their impeachment, had denied juſtice, and had violated the conſtitution of parliament. They alſo declared, that whatever inferior court ſhould proceed againſt Fitz-harris, or any one that lay under impeachment, would be guilty of a high breach of privilege. Great heats were likely to enſue; and as the king ſaw no appearance of any better temper in the commons, he gladly laid hold of the opportunity, afforded by a quarrel between the two houſes; and he proceeded to a diſſolution of the parliament. The ſecret was ſo well kept, that the commons had no intimation of it, till the black rod came to their door, and ſummoned them to attend the king at the houſe of peers.

Parliament diſſolved.

THIS vigorous meaſure, though it might have been foreſeen, excited ſuch aſtoniſhment in the country party, as deprived them of all ſpirit, and reduced them to abſolute deſpair. They were ſenſible, though too late, that the king had finally taken his reſolution, and was determined to endure any extremity rather than ſubmit to thoſe terms, which they had reſolved to impoſe upon him. They found, that he had patiently waited till affairs ſhould come to full maturity; and having now engaged a national party on his ſide, had boldly ſet his enemies at

defiance,

defiance. No parliament, they knew, would be summoned for some years; and during that long interval, the court, though perhaps at the head of an inferior party, yet being possessed of all authority, would have every advantage over a body, dispersed and disunited. These reflections crowded upon every one; and all the exclusionists were terrified, lest Charles should follow the blow by some action more violent, and immediately take vengeance on them for their long and obstinate opposition to his measures. The king on his part was no less apprehensive, lest despair might prompt them to have recourse to force, and make some sudden attempt upon his person. Both parties therefore hurried from Oxford; and in an instant, that city, so crowded and busy, was left in its usual emptiness and tranquillity. CHAP. LXVIII. 1681.

THE court party gathered force from the dispersion and astonishment of their antagonists, and adhered more firmly to the king, whose resolutions, they now saw, could be entirely depended on. The violences of the exclusionists were every where exclaimed against and aggravated; and even the reality of the plot, that great engine of their authority, was openly called in question. The clergy especially were busy in this great revolution; and being moved, partly by their own fears, partly by the insinuations of the court, they represented all their antagonists as sectaries and republicans, and rejoiced in escaping those perils, which they believed to have been hanging over them. Principles the most opposite to civil liberty, were every where inforced from the pulpit, and adopted in numerous addresses; where the king was flattered in his present measures, and congratulated on his escape from parliaments. Could words have been depended on, the nation appeared to be running fast into voluntary servitude, and seemed even ambitious of resigning into the king's hands all the privileges, transmitted Victory of the royalists.

to

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to them, through so many ages, by their gallant ancestors.

1681. But Charles had sagacity enough to distinguish between men's real internal sentiments, and the language, which zeal and opposition to a contrary faction may sometimes extort from them. Notwithstanding all these professions of duty and obedience, he was resolved not to trust, for a long time, the people with a new election, but to depend entirely on his own œconomy for alleviating those necessities, under which he laboured. Great retrenchments were made in the household: Even his favourite navy was neglected: Tangiers, though it had cost great sums of money, was a few years after abandoned and demolished. The mole was entirely destroyed; and the garrison, being brought over to England, served to augment that small army, which the king relied on, as the solid basis of his authority. It had been happy for the nation, had Charles used his victory with justice and moderation equal to the prudence and dexterity, with which he obtained it.

The first step, taken by the court, was the trial of Fitz-harris. Doubts were raised by the jury with regard to their power of trying him, after the concluding vote of the commons: But the judges took upon them to decide the question in the affirmative; and the jury were obliged to proceed. The writing of the libel was clearly proved upon Fitz-harris: The only question was with regard to his intentions. He asserted, that he was a spy of the court, and had accordingly carried the libel to the duchess of Portsmouth; and he was desirous, that the jury should, in this transaction, consider him as a cheat, not as a traitor. He failed however somewhat in the proof; and was brought in guilty of treason by the jury.

Finding

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FINDING himself entirely in the hands of the king, he now retracted all his former impostures with regard to the popish plot, and even endeavoured to atone for them by new impostures against the country party. He affirmed, that these fictions had been extorted from him by the suggestions and artifices of Treby the recorder, and of Bethel and Cornish, the two sheriffs: This account he persisted in even at his execution; and though men knew, that nothing could be depended on, which came from one so corrupt, and so lost to all sense of honour; yet were they inclined, from his perseverance, to rely somewhat more on his veracity in these last asseverations. But it appears, that his wife had some connexions with Mrs. Wall, the favourite maid of the duchess of Portsmouth; and Fitz-harris hoped, if he persisted in a story agreeable to the court, that some favour might, on that account, be shown to his family.

IT is amusing to reflect on the several lights, in which this story has been represented by the opposite factions. The country party affirmed, that Fitz-harris had been employed by the court, in order to throw the odium of the libel on the exclusionists, and thereby give rise to a protestant plot: The court party maintained, that the exclusionists had found out Fiz-harris, a spy of the ministers, and had set him upon this undertaking, from an intention of loading the court with the imputation of such a design upon the exclusionists. Rather than acquit their antagonists, both sides were willing to adopt an account the most intricate and incredible. It was a strange situation, in which the people, at this time, were placed; to be every day tortured with these perplexed stories, and inflamed with such dark suspicions against their fellow-citizens. This was no less than the fifteenth false plot, or sham plot, as they were then

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called, with which the court, it was imagined, had endeavoured to load their adverſaries [1].

1681. THE country party had intended to make uſe of Fitzharris's evidence againſt the duke and the catholics; and his execution was therefore a great mortification to them. But the king and his miniſters were reſolved not to be contented with ſo ſlender an advantage. They were determined to purſue the victory, and to employ againſt the excluſioniſts thoſe very offenſive arms, however unfair, which that party had laid up in ſtore againſt their antagoniſts. The whole gang of ſpies, witneſſes, informers, ſuborners, who had ſo long been ſupported and encouraged by the leading patriots, finding now that the king was entirely maſter, turned ſhort upon their old patrons, and offered their ſervice to the miniſters. To the diſgrace of the court and of the age, they were received with hearty welcome; and their teſtimony or rather perjury made uſe of, in order to commit legal murder upon the oppoſite party. With an air of triumph and deriſion it was aſked, "Are not theſe men good witneſſes, who "have eſtabliſhed the popiſh plot, upon whoſe teſtimony "Stafford and ſo many catholics have been executed, "and whom you yourſelves have ſo long celebrated as "men of credit and veracity? You have admitted them "into your boſom: They are beſt acquainted with your "treaſons: They are determined in another ſhape to ſerve "their king and country: And you cannot complain, "that the ſame meaſure, which you meted to others, "ſhould now, by a righteous doom or vengeance, be "meaſured out to you."

IT is certain, that the principle of retaliation may ſerve in ſome caſes as a full apology, in others as an alleviation, for a conduct which would otherwiſe be ex-

[1] College's trial.

poſed

posed to great blame. But these infamous arts, which poison justice in its very source, and break all the bands of human society, are so detestable and dangerous, that no pretence of retaliation can be pleaded as an apology or even an alleviation of the crime incurred by them. On the contrary, the greater indignation the king and his ministers felt, when formerly exposed to the perjuries of abandoned men, the more reluctance should they now have discovered against employing the same instruments of vengeance upon their antagonists. CHAP. LXIII. 1681.

The first person, on whom the ministers fell, was one College, a London joiner, who had become extremely noted for his zeal against popery, and was much connected with Shaftesbury and the leaders of the country party: For as they relied much upon the populace, men of College's rank and station were useful to them. College had been in Oxford armed with sword and pistol during the sitting of the parliament; and this was made the foundation of his crime. It was pretended that a conspiracy had been entered into to seize the king's person, and detain him in confinement, till he should make the concessions demanded of him. The sheriffs of London were in strong opposition to the court; and it was not strange, that the grand jury named by them rejected the bill against College. The prisoner was therefore sent to Oxford, where the treason was said to have been committed. Lord Norris, a courtier, was sheriff of the county; and the inhabitants were in general devoted to the court party. A jury was named, consisting entirely of royalists; and though they were men of credit and character, yet such was the factious rage, which prevailed, that little justice could be expected by the prisoner. Some papers, containing hints and directions for his defence, were taken from him, as he was conducted to his trial: An iniquity, which some pretended to justify

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by alledging, that a like violence had been practiſed againſt a priſoner during the fury of the popiſh plot. Such wild notions of retaliation were at that time propagated by the court party.

THE witneſſes produced againſt College were Dugdale, Turberville, Haynes, Smith; men who had before given evidence againſt the catholics, and whom the jury, for that very reaſon, regarded as the moſt perjured villains. College, though beſet with ſo many toils, and oppreſſed with ſo many iniquities, defended himſelf with ſpirit, courage, capacity, preſence of mind; and he invalidated the evidence of the crown, by convincing arguments and undoubted teſtimony: Yet did the jury, after half an hour's deliberation, bring in a verdict againſt him. The inhuman ſpectators received the verdict with a ſhout of applauſe: But the priſoner was no wiſe diſmayed. At his execution, he maintained the ſame manly fortitude, and ſtill denied the crime imputed to him. His whole conduct and demeanour prove him to have been a man led aſtray only by the fury of the times, and to have been governed by an honeſt, but indiſcreet zeal for his country and his religion.

THUS the two parties, actuated by mutual rage, but cooped up within the narrow limits of the law, levelled with poiſoned daggers the moſt deadly blows againſt each other's breaſt, and buried in their factious diviſions all regard to truth, honour, and humanity.

CHAP.

CHAP. LXIX.

State of affairs in Ireland——Shaftesbury acquitted——Argyle's trial——State of affairs in Scotland——State of the ministry in England——New nomination of sheriffs——Quo warrantos——Great power of the crown——A conspiracy——Shaftesbury retires and dies——Rye house plot——Conspiracy discovered——Execution of the conspirators——Trial of lord Russel——His execution——Trial of Algernon Sidney——His execution——State of the nation——State of foreign affairs——King's sickness and death——and character.

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State of affairs in Ireland.

WHEN the cabal entered into the mysterious alliance with France, they took care to remove the duke of Ormond from the committee of foreign affairs; and nothing tended farther to increase the national jealousy, entertained against the new measures, than to see a man of so much loyalty, as well as probity and honour, excluded from public councils. They had even so great interest with the king as to get Ormond recalled from the government of Ireland; and lord Robarts, afterwards earl of Radnor, succeeded him in that important employment. Lord Berkeley succeeded Robarts; and the earl of Essex, Berkeley. At last in the year 1677, Charles cast his eye again upon Ormond, whom he had so long neglected; and sent him over lieutenant to Ireland. "I have done every thing," said the king, "to disoblige "that man; but it is not in my power to make him my "enemy." Ormond, during his disgrace, had never joined the malcontents, nor encouraged those clamours, which, with too much reason, but often for bad purposes, were raised against the king's measures. He even thought it his duty, regularly, though with dignity, to pay his court at Whitehall; and to prove that his attachments

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were founded on gratitude, inclination, and principle, not on any temporary advantages. All the expreſſions, which dropped from him, while neglected by the court, ſhowed more of good humour, than any prevalence of ſpleen and indignation. "I can do you no ſervice," ſaid he to his friends, "I have only the power left by my "applications to do you ſome hurt." When colonel Cary Dillon ſolicited him to ſecond his pretenſions for an office, and urged that he had no friends but God and his grace: "Alas! poor Cary," replied the duke, "I pity "thee: Thou couldeſt not have two friends, that poſſeſs "leſs intereſt at court." "I am thrown bye," ſaid he, on another occaſion, "like an old ruſty clock; yet even "that neglected machine, twice in twenty-four hours, "points right."

On ſuch occaſions, when Ormond, from decency, paid his attendance at court, the king, equally aſhamed to ſhow him civility and to neglect him, was abaſhed and confounded. "Sir," ſaid the profligate Buckingham, "I "wiſh to know whether it be the duke of Ormond, that "is out of favour with your majeſty, or your majeſty "with the duke of Ormond; for, of the two, you ſeem "the moſt out of countenance."

When Charles found it his intereſt to ſhow favour to the old royaliſts and to the church of England, Ormond, who was much revered by that whole party, could not fail of recovering, together with the government of Ireland, his former credit and authority. His adminiſtration, when lord lieutenant, correſponded to the general tenor of his life; and tended equally to promote the intereſts of prince and people, of proteſtant and catholic. Ever firmly attached to the eſtabliſhed religion, he was able, even during thoſe jealous times, to eſcape ſuſpicion, though he gratified not vulgar prejudices by any perſecution of the popiſh party. He encreaſed the revenue of Ireland to three hundred thouſand pounds a year: He maintained a regular

gular army of ten thousand men: He supported a well disciplined militia of twenty thousand: And though the act of settlement had so far been infringed, that catholics were permitted to live in corporate towns, they were guarded with so careful an eye, that the most timorous protestant never apprehended any danger from them. CHAP. LXIX. 1681.

THE chief object of Essex's ambition was to return to the station of lord lieutenant, where he had behaved with honour and integrity: Shaftesbury and Buckingham bore an extreme hatred to Ormond, both from personal and party considerations: The great aim of the anti-courtiers was to throw reflections on every part of the king's government. It could be no surprize, therefore, to the lord lieutenant to learn, that his administration was attacked in parliament, particularly by Shaftesbury; but he had the satisfaction, at the same time, to hear of the keen, though polite defence, made by his son, the generous Ossory. After justifying several particulars of Ormond's administration against that intriguing patriot, Ossory proceeded in the following words: "Having "spoken of what the lord lieutenant has done, I pre- "sume with the same truth to tell your lordships what "he has not done. He never advised the breaking of the "triple league; he never advised the shutting up of the "exchequer; he never advised the declaration for a "toleration; he never advised the falling out with the "Dutch and the joining with France: He was not the "anthor of that most excellent position *Delenda est Car-* "*thago*, that Holland, a protestant country, should, con- "trary to the true interests of England, be totally de- "stroyed. I beg that your lordships will be so just as "to judge of my father and all men, according to their "actions and their counsels." These few sentences, pronounced by a plain gallant soldier, noted for probity, had a surprising effect upon the audience, and confounded all the rhetoric of his eloquent and factious adversary. The

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prince of Orange, who esteemed the former character as much as he despised the latter, could not forbear congratulating by letter the earl of Ossory on this new species of victory, which he had obtained.

Ossory, though he ever kept at a distance from faction, was the most popular man in the kingdom; though he never made any compliance with the corrupt views of the court, was beloved and respected by the king. An universal grief appeared on his death, which happened about this time, and which the populace, as is usual wherever they are much affected, foolishly ascribed to poison. Ormond bore the loss with patience and dignity; though he ever retained a pleasing, however melancholy, sense of the signal merit of Ossory. "I would "not exchange my dead son," said he, "for any living "son in Christendom."

These particularities may appear a digression; but it is with pleasure, I own, that I relax myself for a moment in the contemplation of these humane and virtuous characters, amidst that scene of fury and faction, fraud and violence, in which at present our narration has unfortunately engaged us.

Besides the general interest of the country party to decry the conduct of all the king's ministers, the prudent and peaceable administration of Ormond was in a particular manner displeasing to them. In England, where the catholics were scarcely one to a hundred, means had been found to excite an universal panic, on account of insurrections and even massacres, projected by that sect; and it could not but seem strange that in Ireland, where they exceeded the protestants six to one, there should no symptoms appear of any combination or conspiracy. Such an incident, when duly considered, might even in England shake the credit of the plot, and diminish the authority of those leaders, who had so long, with such industry, inculcated the belief of it on the nation. Rewards,

there-

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therefore, were publiſhed in Ireland to any that would bring intelligence or become witneſſes; and ſome profligates were ſent over to that kingdom, with a commiſſion to ſeek out evidence againſt the catholics. Under pretence of ſearching for arms or papers, they broke into houſes, and plundered them: They threw innocent men into priſon, and took bribes for their releaſe: And after all their diligence, it was with difficulty, that that country, commonly fertile enough in witneſſes, could furniſh them with any fit for their purpoſe.

At laſt, one Fitzgerald appeared, followed by Ivey, Sanſon, Dennis, Bourke, two Macnamaras, and ſome others. Theſe men were immediately ſent over to England; and though they poſſeſſed neither character ſufficient to gain belief even for truth, nor ſenſe to invent a credible falſhood, they were careſſed, rewarded, ſupported, and recommended by the earl of Shafteſbury. Oliver Plunket, the titular primate of Ireland, a man of peaceable diſpoſitions, was condemned and executed upon ſuch teſtimony. And the Oxford parliament entered ſo far into the matter as to vote, that they were entirely ſatisfied in the reality of the *horrid* and *damnable* Iriſh plot. But ſuch deciſions, though at firſt regarded as infallible, had now loſt much of their authority; and the public ſtill remained ſomewhat indifferent and incredulous.

After the diſſolution of the parliament, and the ſubſequent victory of the royaliſts, Shafteſbury's evidences, with Turberville, Smith, and others, addreſſed themſelves to the miniſters, and gave information of high treaſon againſt their former patron. It is ſufficiently ſcandalous, that intelligence, conveyed by ſuch men, ſhould have been attended to; but there is ſome reaſon to think, that the court agents, nay the miniſters, nay the king himſelf [k], went farther, and were active in endeavouring,

[k] See captain Wilkinſon's narrative.

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though in vain, to find more reputable perſons to ſupport the blaſted credit of the Iriſh witneſſes. Shafteſbury was committed to priſon, and his indictment was preſented to the grand jury. The new ſheriffs of London, Shute and Pilkington, were engaged as deeply as their predeceſſors in the country party; and they took care to name a jury devoted to the ſame cauſe: A precaution quite neceſſary, when it was ſcarcely poſſible to find men indifferent or attached to neither party. As far as ſwearing could go, the treaſon was clearly proved againſt Shafteſbury; or rather ſo clearly as to merit no kind of credit or attention.

Shafteſbury acquitted.

That veteran leader of a party, enured from his early youth to faction and intrigue, to cabals and conſpiracies, was repreſented as opening without reſerve his treaſonable intentions to theſe obſcure banditti, and throwing out ſuch violent and outrageous reproaches upon the king, as none but men of low education, like themſelves, could be ſuppoſed to employ. The draught of an aſſociation, it is true, againſt popery and the duke, was found in Shafteſbury's cabinet; and dangerous inferences might be drawn from many clauſes of that paper. But it did not appear, that it had been framed by Shafteſbury, or ſo much as approved by him. And as projects of an aſſociation had been propoſed in parliament, it was very natural for this nobleman, or his correſpondents, to be thinking of ſome plan, which it might be proper to lay before that aſſembly. The grand jury, therefore, after weighing all theſe circumſtances, rejected the indictment; and the people, who attended the hall, teſtified their joy by the loudeſt acclamations, which were echoed throughout the whole city.

About this time a ſcheme of oppreſſion was laid in Scotland, after a manner ſtill more flagrant, againſt a nobleman much leſs obnoxious than Shafteſbury; and as that country was reduced to a ſtate of almoſt total ſubjection, the project had the good fortune to ſucceed.

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THE earl of Argyle, from his youth, had diſtinguiſhed himſelf by his loyalty, and his attachment to the royal family. Though his father was head of the covenanters, he himſelf refuſed to concur in any of their meaſures; and when a commiſſion of colonel was given him by the convention of ſtates, he forbore to act upon it, till it ſhould be ratified by the king. By his reſpectful behaviour, as well as by his ſervices, he made himſelf acceptable to Charles, when that prince was in Scotland: And even after the battle of Worceſter, all the misfortunes, which attended the royal cauſe, could not engage him to deſert it. Under Middleton he obſtinately perſevered to haraſs and infeſt the victorious Engliſh; and it was not till he received orders from that general, that he would ſubmit to accept of a capitulation. Such jealouſy of his loyal attachments was entertained by the commonwealth and protector, that a pretence was ſoon after fallen upon to commit him to priſon; and his confinement was rigorouſly continued till the reſtoration. The king, ſenſible of his ſervices, had remitted to him his father's forfeiture, and created him earl of Argyle; and when a moſt unjuſt ſentence was paſſed upon him by the Scottiſh parliament, Charles had anew remitted it. In the ſubſequent part of this reign, Argyle behaved himſelf dutifully; and though he ſeemed not diſpoſed to go all lengths with the court, he always appeared, even in his oppoſition, to be a man of mild diſpoſitions and peaceable deportment.

1681. Argyle's trial.

A PARLIAMENT was ſummoned at Edinburgh this ſummer, and the duke was appointed commiſſioner. Beſides granting money to the king and voting the indefeaſible right of ſucceſſion, this parliament enacted a teſt, which all perſons, poſſeſſed of offices, civil, military, or eccleſiaſtical, were bound to take. In this teſt, the king's ſupremacy was aſſerted, the covenant renounced, paſſive obedience aſſented to, and all obligations diſclaimed

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of endeavouring any alteration in civil or eccleſiaſtical eſtabliſhments. This was the ſtate of the teſt, as propoſed by the courtiers; but the country party propoſed alſo to inſert a clauſe, which could not with decency be refuſed, expreſſing the perſon's adherence to the proteſtant religion. The whole was of an enormous length, conſidered as an oath; and what was worſe, a confeſſion of faith was there ratified, which had been impoſed a little after the reformation, and which contained many articles altogether forgotten by the parliament and nation. Among others, the doctrine of reſiſtance was inculcated; ſo that the teſt, being voted in a hurry, was found on examination to be a medley of contradiction and abſurdity. Several perſons, the moſt attached to the crown, ſcrupled to take it: The biſhops and many of the clergy remonſtrated: The earl of Queenſberry refuſed to ſwear, except he might be allowed to add an explanation: And even the privy council thought it neceſſary to publiſh for general ſatisfaction a ſolution of ſome difficulties, attending the teſt.

THOUGH the courtiers could not reject the clauſe of adhering to the proteſtant religion, they propoſed, as a neceſſary mark of reſpect, that all princes of the blood ſhould be exempted from taking the oath. This exception was zealouſly oppoſed by Argyle; who obſerved, that the ſole danger to be dreaded for the proteſtant religion muſt proceed from the perverſion of the royal family. By inſiſting on ſuch topics, he drew on himſelf the ſecret indignation of the duke, of which he ſoon felt the fatal conſequences.

WHEN Argyle took the teſt as a privy counſellor, he ſubjoined, in the duke's preſence, an explanation, which he had beforehand communicated to that prince, and which he believed to have been approved by him. It was in theſe words: "I have conſidered the teſt, and am

"very

" very desirous of giving obedience as far as I can. I CHAP. LXIX.
" am confident, that the parliament never intended to
" impose contradictory oaths: Therefore I think no 1681.
" man can explain it but for himself. Accordingly, I
" take it as far as it is consistent with itself, and the
" protestant religion. And I do declare, that I mean
" not to bind myself, in my station, and in a lawful
" way, from wishing, and endeavouring any alteration,
" which I think to the advantage of church or state,
" and not repugnant to the protestant religion and my
" loyalty: And this I understand as a part of my oath."
The duke, as was natural, heard these words with great tranquillity: No one took the least offence: Argyle was admitted to sit that day in council: And it was impossible to imagine, that a capital offence had been committed, where occasion seemed not to have been given, so much as for a frown or reprimand.

ARGYLE was much surprized, a few days after, to find, that a warrant was issued for committing him to prison; that he was indicted for high treason, leasing-making, and perjury; and that from these innocent words an accusation was extracted, by which he was to forfeit honours, life, and fortune. It is needless to enter into particulars, where the iniquity of the whole is so apparent. Though the sword of justice was displayed, even her semblance was not put on; and the forms alone of law were preserved, in order to sanctify, or rather aggravate the oppression. Of five judges, three did not scruple to find the guilt of treason and leasing-making to be incurred by the prisoner: A jury of fifteen noblemen gave verdict against him: And the king, being consulted, ordered the sentence to be pronounced; but the execution of it to be suspended, till farther orders.

IT was pretended by the duke and his creatures, that Argyle's life and fortune were not in any danger, and that

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that the ſole reaſon for puſhing the trial to ſuch extremities againſt him was in order to make him renounce ſome hereditary juriſdictions, which gave his family a dangerous authority in the highlands, and obſtructed the courſe of public juſtice. But allowing the end to be juſtifiable, the means were infamous; and ſuch as were incompatible, not only with a free, but a civilized government. Argyle had therefore no reaſon to truſt any longer to the juſtice or mercy of ſuch enemies: He made his eſcape from priſon; and till he ſhould find a ſhip for Holland, he concealed himſelf during ſome time in London. The king heard of his lurking-place, but would not allow him to be arreſted [1]. All the parts however of his ſentence, as far as the government in Scotland had power, were rigorouſly executed; his eſtate confiſcated, his arms reverſed and torne.

State of affairs in Scotland.

It would ſeem, that the genuine paſſion for liberty was at this time totally extinguiſhed in Scotland: There was only preſerved a ſpirit of mutiny and ſedition, encouraged by a miſtaken zeal for religion. Cameron and Cargil, two furious preachers, went a ſtep beyond all their brethren: They publicly excommunicated the king for his tyranny and his breach of the covenant; and they renounced all allegiance to him. Cameron was killed by the troops in an action at Airs-Moſs; Cargil was taken and hanged. Many of their followers were tried and convicted. Their lives were offered them if they would ſay *God ſave the king:* But they would only agree to pray for his repentance. This obſtinacy was much inſiſted on as an apology for the rigors of the adminiſtration: But if duly conſidered, it will rather afford reaſon for a contrary inference. Such unhappy deluſion is an object rather of commiſeration than of anger: And it is almoſt impoſſible, that men could have been carried to ſuch a

[1] Burnet, vol. i. p. 522.

degree

degree of frenzy, unleſs provoked by a long train of violence and oppreſſion. CHAP. LXIX.

As the king was maſter in England, and no longer dreaded the clamours of the country party, he permitted the duke to pay him a viſit; and was ſoon after prevailed on to allow of his return to England, and of his bearing a part in the adminiſtration. The duke went to Scotland, in order to bring up his family, and ſettle the government of that country; and he choſe to take his paſſage by ſea. The ſhip ſtruck on a ſand-bank, and was loſt: The duke eſcaped in the barge; and it is pretended, that, while many perſons of rank and quality were drowned, and among the reſt, Hyde, his brother-in-law, he was very careful to ſave ſeveral of his dogs and prieſts: For theſe two ſpecies of favourites are coupled together by ſome writers. It has likewiſe been aſſerted, that the barge might ſafely have held more perſons, and that ſome who ſwam to it were thruſt off, and even their hands cut, in order to diſengage them. But every action of every eminent perſon, during this period, is ſo liable to be miſinterpreted and miſrepreſented by faction, that we ought to be very cautious in paſſing judgment on too ſlight evidence. It is remarkable, that the ſailors on board the ſhip, though they felt themſelves ſinking, and ſaw inevitable death before their eyes, yet as ſoon as they obſerved the duke to be in ſafety, gave a loud ſhout, in teſtimony of their joy and ſatisfaction. 1682.

THE duke, during his abode in Scotland, had behaved with great civility towards the gentry and nobility; and by his courtly demeanor had much won upon their affections: But his treatment of the enthuſiaſts was ſtill ſomewhat rigorous; and in many inſtances he appeared to be a man of a ſevere, if not an unrelenting temper. It is even aſſerted, that he ſometimes aſſiſted at the torture of criminals,

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criminals, and looked on with tranquillity, as if he were conſidering ſome curious experiment [m]. He left the authority in the hands of the earl of Aberdeen, chancellor, and the earl of Queenſberry, treaſurer: A very arbitrary ſpirit appeared in their adminiſtration. A gentleman of the name of Weir was tried, becauſe he had kept company with one who had been in rebellion; though that perſon had never been marked out by proceſs or proclamation. The inferences, upon which Weir was condemned (for a proſecution by the government and a condemnation were in Scotland the ſame thing) hung upon each other, after the following manner. No man, it was ſuppoſed, could have been in a rebellion, without being expoſed to ſuſpicion in the neighbourhood: If the neighbourhood had ſuſpected him, it was to be preſumed, that each individual had likewiſe heard of the grounds of ſuſpicion: Every man was bound to declare to the government his ſuſpicion againſt every man, and to avoid the company of traitors: To fail in this duty was to participate in the treaſon: The concluſion on the whole was, You have converſed with a rebel; therefore you are yourſelf a rebel. A reprieve was with ſome difficulty procured for Weir; but it was ſeriouſly determined to make uſe of the precedent. Courts of judicature were erected in the ſouthern and weſtern counties, and a ſtrict inquiſition carried on againſt this new ſpecies of crime. The term of three years was appointed for the continuance of theſe courts; after which an indemnity was promiſed. Whoever would take the teſt, was inſtantly entitled to the benefit of this indemnity. The preſbyterians, alarmed with ſuch tyranny, from which no man could deem himſelf ſafe, began to think of leaving the

[m] Burnet, vol. i. p. 583. Wodrow, vol. ii. p. 169. This laſt author, who is much the better authority, mentions only one inſtance, that of Spreul, which ſeems to have been an extraordinary one.

country,

country; and some of their agents were sent to England, in order to treat with the proprietors of Carolina for a settlement in that colony. Any condition seemed preferable to the living in their native country, which, by the prevalence of persecution and violence, was become as insecure to them as a den of robbers. CHAP. LXIX. 1682.

ABOVE two thousand persons were out-lawed on pretence of their conversing or having intercouse with rebels [n], and they were continually hunted in their retreat by soldiers, spies, informers, and oppressive magistrates. It was usual to put ensnaring questions to people, living peaceably in their own houses; such as, "Will you renounce the covenant? Do you esteem the rising at "Bothwel to be rebellion? Was the killing of the arch-"bishop of St. Andrews murder?" And when the poor deluded creatures refused to answer, capital punishments were inflicted on them [o]. Even women were brought to the gibbet for this pretended crime. A number of fugitives, rendered frantic by oppression, had published a seditious declaration; renouncing allegiance to Charles Stuart, whom they called, as they, for their parts, had indeed some reason to esteem him, a tyrant. This incident afforded the privy council a pretence for an unusual kind of oppression. Soldiers were dispersed over the country, and power was given to all commission officers, even the lowest, to oblige every one they met with, to abjure the declaration; and upon refusal, instantly, without farther questions, to shoot the delinquent [p]. It were endless, as well as shocking, to enumerate all the instances of persecution, or, in other words, of absurd tyranny, which at that time prevailed in Scotland. One of them however is so singular, that I cannot forbear relating it.

[n] Wodrow, vol. ii. Appendix, 94. [o] Ibid. vol. ii. passim. [p] Ibid. vol. ii. p. 434.

THREE

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THREE women were ſeized [q]; and the cuſtomary oath was tendered to them, by which they were to abjure the ſeditious declaration abovementioned. They all refuſed, and were condemned to a capital puniſhment by drowning. One of them was an elderly woman: The other two were young; one eighteen years of age, the other only thirteen. Even theſe violent perſecutors were aſhamed to put the youngeſt to death: But the other two were conducted to the place of execution, and were tied to ſtakes within the ſea-mark at low-water: A contrivance, which rendered their death lingering and dreadful. The elderly woman was placed fartheſt in, and by the riſing of the waters was firſt ſuffocated. The younger, partly terrified with the view of her companion's death, partly ſubdued by the entreaty of her friends, was prevailed with to ſay *God ſave the King*. Immediately the ſpectators called out, that ſhe had ſubmitted; and ſhe was looſened from the ſtake. Major Winram, the officer who guarded the execution, again required her to ſign the abjuration; and upon her refuſal, he ordered her inſtantly to be plunged in the water, where ſhe was ſuffocated.

THE ſeverity of the adminiſtration in Scotland is in part to be aſcribed to the duke's temper, to whom the king had conſigned over the government of that country, and who gave ſuch attention to affairs as to allow nothing of moment to eſcape him. Even the government of England, from the ſame cauſe, began to be ſomewhat infected with the ſame ſeverity. The duke's credit was great at court. Though neither ſo much beloved nor eſteemed as the king, he was more dreaded; and thence an attendance more exact, as well as a ſubmiſſion more obſequious, was paid to him. The ſaying of Waller was remarked, that Charles, in ſpite to the parliament, who

[q] Wodrow, vol. ii. p. 505.

had

had determined, that the duke should not succeed him, was resolved, that he should reign even in his lifetime. CHAP. LXIX. 1682.

THE king however, who loved to maintain a balance in his councils, still supported Halifax, whom he created a marquess, and made privy seal; though ever in opposition to the duke. This man, who possessed the finest genius and most extensive capacity, of all employed in public affairs during the present reign, affected a species of neutrality between the parties, and was esteemed the head of that small body, known by the denomination of *Trimmers*. This conduct, which is more natural to men of integrity than of ambition, could not however procure him the former character; and he was always, with reason, regarded as an intriguer rather than a patriot. Sunderland, who had promoted the exclusion-bill, and who had been displaced on that account, was again, with the duke's consent, brought into the administration. The extreme duplicity, at least variableness, of this man's conduct, through the whole course of his life, made it be suspected, that it was by the king's direction he had mixed with the country party. Hyde, created earl of Rochester, was first commissioner of the treasury, and was entirely in the duke's interests. State of the ministry in England.

THE king himself was obliged to act as the head of a party; a disagreeable situaton for a prince, and always the source of much injustic and oppression. He knew how obnoxious the dissenter were to the church; and he resolved, contrary to the maxims of toleration, which he had hitherto supported in England, to gratify his friends by the persecution of his enemies. The laws against conventicles were now rigorously executed; an expedient, which, the king knew, would diminish neither the numbers nor influnce of the nonconformists; and which is therefore to be deemed more the result of passion

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passion than of policy. Scarcely any persecution serves the intended purpose but such as amounts to a total extermination.

New nomination of sheriffs.

THOUGH the king's authority made every day great advances, it still met with considerable obstacles, chiefly from the city, which was entirely in the hands of the malcontents. The juries, in particular, named by the sheriffs, were not likely to be impartial judges between the crown and the people; and after the experiments already made in the case of Shaftesbury and that of College, treason, it was apprehended, might there be committed with impunity. There could not therefore be a more important service to the court than to put affairs upon a different footing. Sir John Moore, the mayor, was gained by secretary Jenkins, and encouraged to insist upon the customary privilege of his office, of naming one of the sheriffs. Accordingly, when the time of election came, he drank to North, a Levant merchant, who accepted of that expensive office. The country party said, that, being lately returned from Turkey, he was, on account of his recent experience, better qualified to serve the purposes of the court. A poll was opened for the election of another sheriff; and here began the contest. The majority of the common-hall, headed by the two sheriffs of the former year, refused to acknowledge the mayor's right of appointing one sheriff, but insisted that both must be elected by the livery. Papillon and Dubois were the persons whom the country party agreed to elect: Box was pointed out by the courtiers. The poll was opened; but as the mayor would not allow the election to proceed for two vacancies, the sheriffs and he separated, and each carried on the poll apart. The country party, who voted with the sheriffs for Papillon and Dubois, were much more numerous than those who voted with the mayor for Box: But as the mayor

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insisted, that his poll was the only legal one, he declared Box to be duly elected. All difficulties however were not surmounted. Box, apprehensive of the consequences, which might attend so dubious an election, fined off; and the mayor found it necessary to proceed to a new choice. When the matter was proposed to the common-hall, a loud cry was raised, No election! No election! The two sheriffs already elected, Papillon and Dubois, were insisted on as the only legal magistrates. But as the mayor still maintained, that Box alone had been legally chosen, and that it was now requisite to supply his place, he opened books anew; and during the tumult and confusion of the citizens, a few of the mayor's partizans elected Rich, unknown to and unheeded by the rest of the livery. North and Rich were accordingly sworn in sheriffs for the ensuing year; but it was necessary to send a guard of the train bands to protect them in entering upon their office. A new mayor of the court party was soon after chosen by means, as is pretended, still more violent and irregular. 25th of October.

THUS the country party were dislodged from their strong hold in the city; where, ever since the commencement of factions in the English government, they had, without interruption, almost without molestation, maintained a superiority. It had been happy, had the partialities, hitherto objected to juries, been corrected, without giving place to partialities of an opposite kind: But in the present distracted state of the nation, an equitable neutrality was almost impossible to be attained. The court and church party, who were now named on juries, made justice subservient to their factious views; and the king had a prospect of obtaining full revenge on his enemies. It was not long before the effects of these alterations were seen. When it was first reported, that the

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duke intended to leave Scotland, Pilkington, at that time ſheriff, a very violent man had broken out in theſe terms,

1682. "He has already burned the city; and he is now coming to cut all our throats?" For theſe ſcandalous expreſſions, the duke ſued Pilkington; and enormous damages to the amount of 100,000 pounds were decreed him. By the law of England, ratified in the great charter, no fine or damages ought to extend to the total ruin of a criminal. Sir Patience Ward, formerly mayor, who gave evidence for Pilkington, was ſued for perjury, and condemned to the pillory: A ſevere ſentence, and ſufficient to deter all witneſſes from appearing in favour of thoſe, who were proſecuted by the court.

1683. But though the crown had obtained ſo great a victory in the city, it was not quite deciſive; and the conteſt might be renewed every year at the election of magiſtrates. An important project, therefore, was formed, not only to make the king maſter of the city, but by that precedent to gain him uncontrouled influence in all the corporations of England, and thereby give the greateſt wound to the legal conſtitution, which the moſt powerful and moſt arbitrary monarchs had ever yet been able to inflict. A writ of *quo warranto* was iſſued againſt the city; that is, an enquiry into the validity of its charter. It was pretended, that the city had forfeited all its privileges, and ought to be declared no longer a corporation, on account of two offences, which the court of aldermen and common council had committed. After the great fire in 1666, all the markets had been rebuilt, and had been fitted up with many conveniences; and, in order to defray the expence, the magiſtrates had impoſed a ſmall toll on goods brought to market: in the year 1679, they had addreſſed the king againſt the prorogation of parliament,

Quo warrantos.

ment, and had employed the following terms: "Your "petitioners are greatly surprized at the late prorogation, "whereby the prosecution of the public justice of the "kingdom, and the making of necessary provisions for "the preservation of your majesty and your protestant "subjects, have received interruption;" These words were pretended to contain a scandalous reflection on the king and his measures. The cause of the city was defended against the attorney and solicitor generals, by Treby and Pollexfen. CHAP. LXIX. 1683.

THESE last pleaded, that, since the foundation of the monarchy, no corporation had ever yet been exposed to forfeiture, and the thing itself implied an absurdity: That a corporation, as such, was incapable of all crime or offence, and none were answerable for any iniquity but the persons themselves, who committed it: That the members, in choosing magistrates, had entrusted them with legal powers only; and where the magistrates exceeded these powers, their acts were void, but could never involve the body itself in any criminal imputation: That such had ever been the practice of England, except at the Reformation, when the monasteries were abolished; but this was an extraordinary case; and it was even thought necessary to ratify afterwards the whole transaction by act of parliament: That corporate bodies, framed for public good, and calculated for perpetual duration, ought not to be annihilated for the temporary faults of their members, who might themselves, without hurting the community, be questioned for their offences: That even a private estate, if entailed, could not be forfeited to the crown, on account of treason, committed by the tenant for life; but upon his demise went to the next in remainder: That the offences, objected to the city, far from deserving so severe a punishment, were not even worthy

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1683. of the ſmalleſt reprehenſion. That all corporations were inveſted with the power of making bye-laws; and the ſmalleſt borough in England had ever been allowed to carry the exerciſe of this power farther than London had done in the inſtance complained of: That the city, having, at its own expence, repaired the markets, which were built too on its own eſtate, might as lawfully claim a ſmall recompence from ſuch as brought commodities thither, as a man might require rent for a houſe, of which he was poſſeſſed. That thoſe who diſliked the condition, might abſtain from the market; and whoever paid, had done it voluntarily: That it was an avowed right of the ſubjects to petition; nor had the city in their addreſs abuſed this privilege: That the king himſelf had often declared, the parliament often voted, the nation to be in danger from the popiſh plot; which, it is evident, could not be fully proſecuted but in a parliamentary manner: That the impeachment of the popiſh lords was certainly obſtructed by the frequent prorogations; as was alſo the enacting of neceſſary laws, and providing for the defence of the nation: That the loyalty of the city, no leſs than their regard to ſelf-preſervation, might prompt them to frame the petition; ſince it was acknowledged, that the king's life was every moment expoſed to the moſt imminent danger from the popiſh conſpiracy: That the city had not accuſed the king of obſtructing juſtice, much leſs of having any ſuch intention; ſince it was allowed, that evil counſellors were alone anſwerable for all the pernicious conſequences of any meaſure: And that it was unaccountable, that two public deeds, which had not, during ſo long a time, ſubjected to any, even the ſmalleſt penalty, the perſons guilty of them, ſhould now be puniſhed ſo ſeverely upon the corporation, which always was, and always muſt be innocent.

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It is evident, that those who would apologize for the measures of the court, must, in this case, found their arguments, not on law, but reasons of state. The judges, therefore, who condemned the city, are inexcusable; since the sole object of their determinations must ever be the pure principles of justice and equity. But the office of judge was at that time held during pleasure; and it was impossible, that any cause, where the court bent its force, could ever be carried against it. After sentence was pronounced, the city applied in a humble manner to the king; and he agreed to restore their charter, but in return they were obliged to submit to the following regulations: That no mayor, sheriff, recorder, common serjeant, town clerk, or coroner, should be admitted to the exercise of his office without his majesty's approbation: That if the king disapprove twice of the mayor or sheriffs elected, he may by commission appoint these magistrates: That the mayor and court of aldermen may, with his majesty's leave, displace any magistrate: And that no alderman, in case of a vacancy, shall be elected without consent of the court of aldermen, who, if they disapprove twice of the choice, may fill the vacancy.

Great power of the crown.

All the corporations in England, having the example of London before their eyes, saw how vain it would prove to contend with the court, and were, most of them, successively induced to surrender their charters into the king's hands. Considerable sums were exacted for restoring the charters; and all offices of power and profit were left at the disposal of the crown. It seems strange, that the independent royalists, who never meant to make the crown absolute, should yet be so elated with the victory obtained over their adversaries, as to approve of a precedent, which left no national privileges in security, but enabled the king under like pretences, and by means

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of like inſtruments, to recall anew all thoſe charters, which at preſent he was pleaſed to grant. And every friend to liberty muſt allow, that the nation, whoſe conſtitution was thus broken in the ſhock of faction, had a right, by every prudent expedient, to recover that ſecurity, of which it was ſo unhappily bereaved.

WHILE ſo great a faction adhered to the crown, it is apparent, that reſiſtance, however juſtifiable, could never be prudent; and all wiſe men ſaw no expedient but peaceably to ſubmit to the preſent grievances. There was however a party of malcontents, ſo turbulent in their diſpoſition, that, even before this laſt iniquity, which laid the whole conſtitution at the mercy of the king, they had meditated plans of reſiſtance; at a time when it could be as little juſtifiable as prudent. In the ſpring 1681 [r], a little before the Oxford parliament, the king was ſeized with a fit of ſickneſs at Windſor, which gave great alarm to the public. The duke of Monmouth, lord Ruſſel, lord Grey, inſtigated by the reſtleſs Shafteſbury, had agreed, in caſe the king's ſickneſs ſhould prove mortal, to riſe in arms and to oppoſe the ſucceſſion of the duke. Charles recovered; but theſe dangerous projects were not laid aſide. The ſame conſpirators, together with Eſſex and Saliſbury, were determined to continue the Oxford parliament, after the king, as was daily expected, ſhould diſſolve it; and they engaged ſome leaders among the commons in the ſame deſperate meaſure. They went ſo far as to detain ſeveral lords in the houſe, under pretence of ſigning a proteſt

A conſpiracy.

[r] Lord Grey's ſecret hiſtory of the Rye-houſe plot. This is the moſt full and authentic account of all theſe tranſactions; but is in the main confirmed by biſhop Sprat, and even Burnet, as well as by the trials and dying confeſſions of the conſpirators: So that nothing can be more unaccountable than that any one ſhould pretend, that this conſpiracy was an impoſture like the popiſh plot. Monmouth's declaration publiſhed in the next reign, confeſſes a conſult for extraordinary remedies.

againſt

againſt rejecting Fitz-harris's impeachment: But hearing that the commons had broken up in great conſternation, they were likewiſe obliged at laſt to ſeparate. Shafteſbury's impriſonment and trial put an end for ſome time to theſe machinations; and it was not till the new ſheriffs were impoſed on the city that they were revived. The leaders of the country party began then to apprehend themſelves in imminent danger; and they were well pleaſed to find, that the citizens were ſtruck with the ſame terror, and were thence inclined to undertake the moſt perilous enterprizes. Beſides the city, the gentry and nobility in ſeveral counties of England were ſolicited to riſe in arms. Monmouth engaged the earl of Macclesfield, lord Brandon, Sir Gilbert Gerrard, and other gentlemen in Cheſhire; lord Ruſſel fixed a correſpondence with Sir William Courtney, Sir Francis Rowles, Sir Francis Drake, who promiſed to raiſe the weſt; and Trenchard in particular, who had intereſt in the diſaffected town of Taunton, aſſured him of conſiderable aſſiſtance from that neighbourhood. Shafteſbury and his emiſſary, Ferguſon, an independent clergyman and a reſtleſs plotter, managed the correſpondence in the city, upon which the confederates chiefly relied. The whole train was ready to take fire; but was prevented by the caution of lord Ruſſel, who induced Monmouth to delay the enterprize. Shafteſbury in the mean time was ſo much affected with the ſenſe of his danger, that he had left his houſe, and ſecretly lurked in the city; meditating all thoſe deſperate ſchemes, which diſappointed revenge and ambition could inſpire. He exclaimed loudly againſt delay, and repreſented to his confederates, that having gone ſo far, and entruſted the ſecret into ſo many hands, there was no ſafety for them but in a bold and deſperate proſecution of their purpoſe. The projects were therefore renewed: Meetings of the conſpirators were appointed in different

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houſes, particularly in Shephard's, an eminent wine-merchant in the city: The plan of an inſurrection was laid in London, Cheſhire, Devonſhire, and Briſtol: The ſeveral places of rendezvous in the city were concerted; and all the operations fixed: The ſtate of the guards was even viewed by Monmouth and Armſtrong, and an attack on them pronounced practicable: A declaration to juſtify the enterprize to the public was read and agreed to: And every circumſtance ſeemed now to render an inſurrection unavoidable; when a new delay was procured by Trenchard, who declared, that the riſing in the weſt could not for ſome weeks be in ſufficient forwardneſs.

SHAFTESBURY was enraged at theſe perpetual cautions and delays in an enterprize, which, he thought, nothing but courage and celerity could render effectual: He threatened to commence the inſurrection with his friends in the city alone; and he boaſted, that he had ten thouſand *briſk boys*, as he called them, who, on a motion of his finger, were ready to fly to arms. Monmouth, Ruſſel, and the other conſpirators, were, during ſome time, in apprehenſions, leſt deſpair ſhould puſh him into ſome dangerous meaſure; when they heard, that, after a long combat between fear and rage, he had at laſt abandoned all hopes of ſucceſs, and had retired into Holland. He lived in a private manner at Amſterdam; and for greater ſecurity deſired to be admitted into the magiſtracy of that city: But his former violent counſels againſt the Dutch commonwealth were remembered; and all applications from him were rejected. He died ſoon after; and his end gave neither ſorrow to his friends, nor joy to his enemies. His furious temper, notwithſtanding his capacity, had done great injury to the cauſe, in which he was engaged. The violences and iniquities, which he ſuggeſted and encouraged, were greater than even faction itſelf could endure; and men could not

Shaftesbury retires and dies.

forbear

forbear ſometimes recollecting, that the ſame perſon, who had become ſo zealous a patriot, was once a moſt proſtitute courtier. It is remarkable, that this man, whoſe principles and conduct were, in all other reſpects, ſo exceptionable, proved an excellent chancellor; and that all his decrees, while he poſſeſſed that high office, were equally remarkable for juſtneſs and for integrity. So difficult is it to find in hiſtory a character either wholly bad or perfectly good; though the prejudices of party make writers run eaſily into the extremes both of panegyric and of ſatire!

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After Shafteſbury's departure, the conſpirators found ſome difficulty in renewing the correſpondence with the city malcontents, who had been accuſtomed to depend ſolely on that nobleman. Their common hopes, however, as well as common fears, made them at laſt have recourſe to each other; and a regular project of an inſurrection was again formed. A council of ſix was erected, conſiſting of Monmouth, Ruſſel, Eſſex, Howard, Algernon Sidney, and John Hambden, grandſon of the great parliamentary leader. Theſe men entered into an agreement with Argyle and the Scottiſh malcontents; who engaged, that, upon the payment of 10,000 pounds for the purchaſe of arms in Holland, they would bring the covenanters into the field. Inſurrections likewiſe were anew projected in Cheſhire, and the weſt, as well as in the city; and ſome meetings of the leaders were held, in order to reduce theſe projects into form. The conſpirators differed extremely in their views. Sidney was paſſionate for a commonwealth. Eſſex had embraced the ſame project. But Monmouth had entertained hopes of acquiring the crown for himſelf. Ruſſel, as well as Hambden, was much attached to the ancient conſtitution, and intended only the excluſion of the duke and the redreſs of grievances. Lord Howard was a man of no prin-

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principle, and was ready to embrace any party, which his immediate intereſt ſhould recommend to him. But notwithſtanding this difference of characters and of views, their common hatred of the duke and the preſent adminiſtration united them in one party; and the dangerous experiment of an inſurrection was fully reſolved on.

Rye-houſe plot.

WHILE theſe ſchemes were concerting among the leaders, there was an inferior order of conſpirators, who held frequent meetings; and, together with the inſurrection, carried on projects quite unknown to Monmouth, and the cabal of ſix. Among theſe men were colonel Rumſey, an old republican officer, who had diſtinguiſhed himſelf in Portugal, and had been recommended to the king by mareſchal Schomberg; lieutenant colonel Walcot, likewiſe a republican officer; Goodenough, underſheriff of London, a zealous and noted party-man; Weſt, Tyley, Norton, Ayloffe, lawyers; Ferguſon, Rouſe, Hone, Keiling, Holloway, Bourne, Lee, Rumbald. Moſt of theſe laſt were merchants or tradeſmen; and the only perſons of this confederacy, who had acceſs to the leaders of the party, were Rumſey and Ferguſon. When theſe men met together, they indulged themſelves in the moſt deſperate and moſt criminal diſcourſe: They frequently mentioned the aſſaſſination of the king and the duke, to which they had given the familiar appellation of *lopping*: They even went ſo far as to have thought of a ſcheme for that purpoſe. Rumbald, who was a maltſter, poſſeſſed a farm, called the Rye-houſe, which lay on the road to Newmarket, whither the king commonly went once a-year, for the diverſion of the races. A plan of this farm had been laid before ſome of the conſpirators by Rumbald, who ſhowed them how eaſy it would be, by over-turning a cart, to ſtop at that place the king's coach; while they might fire upon him from the hedges, and be enabled afterwards, through bye-lanes and croſs

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the fields, to make their escape. But though the plausibility of this scheme gave great pleasure to the conspirators, no concerted design was as yet laid, nor any men, horses, or arms provided: The whole was little more than loose discourse, the overflowings of their zeal and rancour. The house, in which the king lived at Newmarket, took fire accidentally; and he was obliged to leave that place eight days sooner than he intended. To this circumstance his safety was afterwards ascribed, when the conspiracy was detected; and the court party could not sufficiently admire the wise dispensations of providence. It is indeed certain, that as the king had thus unexpectedly left Newmarket, he was worse attended than usual; and Rumbald informed his confederates with regret what a fine opportunity was thus unfortunately lost. 1683.

Conspiracy discovered.

AMONG the conspirators I have mentioned Keiling, a salter in London. This man had been engaged in a bold measure, of arresting the mayor of London, at the suit of Papillon and Dubois, the outed sheriffs; and being liable to prosecution for that action, he thought it safest to purchase a pardon, by revealing the conspiracy, in which he was deeply concerned. He brought to secretary Jenkins intelligence of the assassination plot; but as he was a single evidence, the secretary, whom many false plots had probably rendered incredulous, scrupled to issue warrants for the commitment of so great a number of persons. Keiling therefore, in order to fortify his testimony, engaged his brother in treasonable discourse with Goodenough, one of the conspirators; and Jenkins began now to give more attention to the intelligence. The conspirators had got some hint of the danger, in which they were involved; and all of them concealed themselves. One person alone, of the name of Barber, an instrument-maker, was seized; and as his confession 12th June.

concurred

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1683. concurred in many particulars with Keiling's information, the affair ſeemed to be put out of all queſtion; and a more diligent ſearch was every where made after the conſpirators.

WEST, the lawyer, and colonel Rumſey, finding the perils, to which they were expoſed in endeavouring to eſcape, reſolved to ſave their own lives at the expence of their companions; and they ſurrendered themſelves with an intention of becoming evidence. Weſt could do little more than confirm the teſtimony of Keiling with regard to the aſſaſſination plot; but Rumſey, beſides giving additional confirmation of the ſame deſign, was at laſt, though with much difficulty, led to reveal the meetings at Shephard's. Shephard was immediately apprehended; and had not courage to maintain fidelity to his confederates. Upon his information, orders were iſſued for arreſting the great men engaged in the conſpiracy. Monmouth abſconded: Ruſſel was ſent to the Tower: Gray was arreſted, but eſcaped from the meſſenger: Howard was taken, while he concealed himſelf in a chimney; and being a man of profligate morals, as well as indigent circumſtances, he ſcrupled not, in hopes of a pardon and a reward, to reveal the whole conſpiracy. Eſſex, Sidney, Hambden were immediately apprehended upon his evidence. Every day ſome of the conſpirators were detected in their lurking-places, and thrown into priſon.

Execution of the conſpirators.

LIEUTENANT COLONEL WALCOT was firſt brought to his trial. This man, who was once noted for bravery, had been ſo far overcome by the love of life, that he had written to ſecretary Jenkins, and had offered upon promiſe of pardon to turn evidence: But no ſooner had he taken this mean ſtep, than he felt more generous ſentiments ariſe in him; and he endeavoured, though in vain, to conceal himſelf. The witneſſes againſt him were

Rumſey,

Rumsey, West, Shephard, together with Bourne, a brewer. His own letter to the secretary was produced, and rendered the testimony of the witnesses unquestionable. Hone and Rouse were also condemned. These two men, as well as Walcot, acknowledged, at their execution, the justice of the sentence; and from their trial and confession it is sufficiently apparent, that the plan of an insurrection had been regularly formed; and that even the assassination had been often talked of, and not without the approbation of many of the conspirators. CHAP. LXIX. 1683.

Trial of lord Russel.

THE condemnation of these criminals was probably intended as a preparative to the trial of lord Russel, and served to impress the public with a thorough belief of the conspiracy, as well as a horror against it. The witnesses produced against the noble prisoner were Rumsey, Shephard, and lord Howard. Rumsey swore, that he himself had been introduced to the cabal at Shephard's, where Russel was present; and had delivered them a message from Shaftesbury, urging them to hasten the intended insurrection: But had received for answer, that it was found necessary to delay the design, and that Shaftesbury must therefore, for some time, rest contented. This answer, he said, was delivered by Ferguson; but was assented to by the prisoner. He added, that some discourse had been entered into about taking a survey of the guards; and he thought that Monmouth, Gray, and Armstrong undertook to view them. Shephard deposed, that his house had beforehand been bespoken by Ferguson for the secret meeting of the conspirators, and that he had been careful to keep all his servants from approaching them, and had served them himself. Their discourse, he said, ran chiefly upon the means of surprizing the guards; and it was agreed, that Monmouth and his two friends should take a survey of them. The report, which they brought next meeting, was, that the guards were remiss,

and

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and that the design was practicable: But he did not affirm, that any resolution was taken of executing it. The prisoner, he thought, was present at both these meetings; but he was sure, that at least he was present at one of them. A declaration, he added, had been read by Ferguson in Russel's presence: The reasons of the intended insurrection were there set forth, and all the public grievances fully displayed.

Lord Howard had been one of the cabal of six, established after Shaftesbury's flight; and two meetings had been held by the conspirators, one at Hambden's, another at Russel's. Howard deposed, that, at the first meeting, it was agreed to begin the insurrection in the country before the city; the places were fixed, the proper quantity and kind of arms agreed on, and the whole plan of operations concerted: That at the second meeting, the conversation chiefly turned upon their correspondence with Argyle and the discontented Scots, and that the principal management of that affair was entrusted to Sidney, who had sent one Aaron Smith into Scotland with proper instructions. He added, that in these deliberations no question was put, or votes collected; but there was no contradiction; and, as he took it, all of them, and the prisoner among the rest, gave their consent.

Rumsey and Shephard were very unwilling witnesses against lord Russel; and it appears from Gray's Secret History [s], that, if they had pleased, they could have given a more explicit testimony against him. This reluctance, together with the difficulty in recollecting circumstances of a conversation, which had passed above eight months before, and which the persons had not at that time any intention to reveal, may beget some slight objection to

[s] Page 43.

their

their evidence. But on the whole, it was undoubtedly proved, that the insurrection had been deliberated on by the prisoner, and fully resolved; the surprisal of the guards deliberated on, but not fully resolved; and that an assassination had never once been mentioned nor imagined by him. So far the matter of fact seems certain: But still, with regard to law, there remained a difficulty, and that of an important nature. CHAP. LXIX. 1683.

THE English laws of treason, both in the manner of defining that crime, and in the proof required, are the mildest and most indulgent, and consequently the most equitable, that are any where to be found. The two chief species of treason, contained in the statute of Edward III., are the compassing and intending of the king's death, and the actually levying of war against him; and by the law of Mary, the crime must be proved by the concurring testimony of two witnesses, to some overt act, tending to these purposes. But the lawyers, partly desirous of paying court to the sovereign, partly convinced of ill consequences, which might attend such narrow limitations, had introduced a greater latitude, both in the proof and definition of the crime. It was not required, that the two witnesses should testify the same precise overt act: It was sufficient, that they both testified some overt act of the same treason; and though this evasion may seem a subtilty, it had long prevailed in the courts of judicature, and had at last been solemnly fixed by parliament at the trial of lord Stafford. The lawyers had used the same freedom with the law of Edward III. They had observed, that, by that statute, if a man should enter into a conspiracy for a rebellion, should even fix a correspondence with foreign powers for that purpose, should provide arms and money, yet, if he were detected and no rebellion ensued, he could not be tried for treason. To prevent this inconvenience, which it had been better to remedy

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remedy by a new law, they had commonly laid their indictment for intending the death of the king, and had produced the intention of rebellion as a proof of that other intention. But though this form of indictment and trial was very frequent, and many criminals had received sentence upon it, it was still considered as somewhat irregular, and was plainly confounding, by a sophism, two species of treason, which the statute had accurately distinguished. What made this refinement still more exceptionable, was, that a law had passed soon after the restoration; in which the consulting or the intending of a rebellion, was, during Charles's life-time, declared treason; and it was required, that the prosecution should be commenced within six months after the crime was committed. But notwithstanding this statute, the lawyers had persevered, as they still do persevere, in the old form of indictment; and both Sir Harry Vane and Oliver Plunket, titular primate of Ireland, had been tried by it. Such was the general horror, entertained against the old republicans, and the popish conspirators, that no one had murmured against this interpretation of the statute; and the lawyers thought, that they might follow the precedent, even in the case of the popular and beloved lord Russel. Russel's crime fell plainly within the statute of Charles the IId; but the facts sworn to by Rumsey and Shephard were beyond the six months required by law, and to the other facts Howard was a single witness. To make the indictment, therefore, more extensive, the intention of murdering the king was comprehended in it; and for proof of this intention the conspiracy for raising a rebellion was assigned; and what seemed to bring the matter still nearer, the design of attacking the king's guards.

Russel perceived this irregularity, and desired to have the point argued by counsel: The chief justice told him, that this favour could not be granted, unless he previously

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ouſly confeſſed the facts charged upon him. The artificial confounding of the two ſpecies of treaſon, though a practice ſupported by many precedents, is the chief, but not the only hardſhip, of which Ruſſel had reaſon to complain on his trial. His defence was feeble; and he contented himſelf with proteſting, that he never had entertained any deſign againſt the life of the king: His veracity would not allow him to deny the conſpiracy for an inſurrection. The jury were men of fair and reputable characters, but zealous royaliſts: After a ſhort deliberation, they brought in the priſoner guilty.

APPLICATIONS were made to the king for a pardon: Even money, to the amount of a hundred thouſand pounds, was offered to the dutcheſs of Portſmouth by the old earl of Bedford, father to Ruſſel. The king was inexorable. He had been extremely haraſſed with the violence of the country party; and he had obſerved, that the priſoner, beſides his ſecret deſigns, had always been carried to the higheſt extremity of oppoſition in parliament. Ruſſel had even adopted a ſentiment, ſimilar to what we meet with in a letter of the younger Brutus. Had his father, he ſaid, adviſed the king to reject the excluſion-bill, he would be the firſt to move for a parliamentary impeachment againſt him. When ſuch determined reſolution was obſerved, his popularity, his humanity, his juſtice, his very virtues became ſo many crimes, and were uſed as arguments againſt ſparing him. Charles therefore would go no farther than remitting the more ignominious part of the ſentence, which the law requires to be pronounced againſt traitors. "Lord Ruſſel," ſaid he, "ſhall find, that I am poſſeſſed of that prerogative, "which, in the caſe of lord Stafford, he thought proper "to deny me." As the fury of the country party had rendered it impoſſible for the king, without the imminent danger of his crown, to pardon ſo many cathdics, whom

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he firmly believed innocent, and even affectionate and loyal to him; he probably thought, that, since the edge of the law was now ready to fall upon that party themselves, they could not reasonably expect, that he would interpose to save them.

Russel's consort, a woman of virtue, daughter and heir of the good earl of Southampton, threw herself at the king's feet, and pleaded with many tears the merits and loyalty of her father, as an atonement for those errors, into which honest, however mistaken principles had seduced her husband. These supplications were the last instance of female weakness (if they deserve the name) which she betrayed. Finding all applications vain, she collected courage, and not only fortified herself against the fatal blow, but endeavoured by her example to strengthen the resolution of her unfortunate lord. With a tender and decent composure they took leave of each other on the day of his execution. "The bitterness of "death is now past," said he, when he turned from her. Lord Cavendish had lived in the closest intimacy with Russel, and deserted not his friend in the present calamity. He offered to manage his escape, by changing cloaths with him, and remaining at all hazards in his place. Russel refused to save his own life, by an expedient which might expose his friend to so many hardships. When the duke of Monmouth by message offered to surrender himself, if Russel thought that this measure would any wise contribute to his safety; "It will be no advan-"tage to me," he said, "to have my friends die with "me." Some of his expressions discover, not only composure, but good humour in this melancholy extremity. The day before his execution he was seized with a bleeding at the nose. "I shall not now let blood to divert "this distemper," said he to doctor Burnet who attended him, "that will be done to-morrow." A little before

the ſheriffs conducted him to the ſcaffold, he wound up his watch, "Now I have done," ſaid he, "with time, "and henceforth muſt think ſolely of eternity." CHAP. LXIX. 1683.

THE ſcaffold was erected in Lincoln's Inn Fields, a place diſtant from the Tower; and it was probably intended, by conducting Ruſſel through ſo many ſtreets, to ſhow the mutinous city their beloved leader, once the object of all their confidence, now expoſed to the utmoſt rigours of the law. As he was the moſt popular among his own party; ſo was he ever the leaſt obnoxious to the oppoſite faction: And his melancholy fate united every heart, ſenſible of humanity, in a tender compaſſion for him. Without the leaſt change of countenance, he laid his head on the block; and at two ſtrokes, it was ſevered from his body. 21ſt July. and execution.

IN the ſpeech, which he delivered to the ſheriffs, he was very anxious to clear his memory from any imputation of ever intending the king's death, or any alteration in the government: He could not explicitly confeſs the projected inſurrection without hurting his friends, who might ſtill be called in queſtion for it; but he did not purge himſelf of that deſign, which, in the preſent condition of the nation, he regarded as no crime. By many paſſages in his ſpeech he ſeems to the laſt to have lain under the influence of party zeal; a paſſion, which, being nouriſhed by a ſocial temper, and cloathing itſelf under the appearance of principle, it is almoſt impoſſible for a virtuous man, who has acted in public life, ever thoroughly to eradicate. He profeſſed his entire belief in the popiſh plot: And he ſaid, that, though he had often heard the ſeizure of the guards mentioned, he had ever diſapproved of that attempt. To which he added, that the maſſacring of ſo many innocent men in cool blood was ſo like a popiſh practice, that he could not but abhor it. Upon the whole, the integrity and virtuous

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intentions, rather than the capacity, of this unfortunate nobleman, ſeem to have been the ſhining parts of his character.

Trial of Algernon Sidney.

ALGERNON SIDNEY was next brought to his trial. This gallant perſon, ſon of the earl of Leiceſter, had entered deeply into the war againſt the late king; and though no wiſe tainted with enthuſiaſm, he had ſo far ſhared in all the counſels of the independant republican party, as to have been named on the high court of juſtice, which tried and condemned that monarch: He thought not proper, however, to take his ſeat among the judges. He ever oppoſed Cromwel's uſurpation with zeal and courage; and after making all efforts againſt the reſtoration, he reſolved to take no benefit of the general indemnity, but choſe voluntary baniſhment, rather than ſubmit to a government and family, which he abhorred. As long as the republican party had any exiſtence, he was active in every ſcheme, however unpromiſing, which tended to promote their cauſe: But at length, in 1677, finding it neceſſary for his private affairs to return to England, he had applied for the king's pardon, and had obtained it. When the factions, ariſing from the popiſh plot, began to run high, Sidney, full of thoſe ideas of liberty, which he had imbibed from the great examples of antiquity, joined the popular party; and was even willing to ſeek a ſecond time, through all the horrors of civil war, for his adored republic.

FROM this imperfect ſketch of the character and conduct of this ſingular perſonage, it may eaſily be conceived how obnoxious he was become to the court and miniſtry: What alone renders them blameable was the illegal method, which they took, for effecting their purpoſe againſt him. On Sidney's trial they produced a great number of witneſſes, who proved the reality of a plot in general; and when the priſoner exclaimed, that all

all these evidences said nothing of him, he was answered, that this method of proceeding, however irregular, had been practised in the prosecutions of the popish conspirators: A topic more fit to condemn one party than to justify the other. The only witness, who deposed against Sidney, was lord Howard; but as the law required two witnesses, a strange expedient was fallen on to supply this deficiency. In ransacking the prisoner's closet, some discourses on government were found; in which he had maintained principles, favourable indeed to liberty, but such as the best and most dutiful subjects in all ages have been known to embrace; the original contract, the source of power from a consent of the people, the lawfulness of resisting tyrants, the preference of liberty to the government of a single person. These papers were asserted to be equivalent to a second witness, and even to many witnesses. The prisoner replied, that there was no other reason for ascribing these papers to him as the author, besides a similitude of hand; a proof, which was never admitted in criminal prosecutions: That allowing him to be the author, he had composed them solely for his private amusement, and had never published them to the world, or even communicated them to any single person: That, when examined, they appeared, by the colour of the ink to have been written many years before, and were in vain produced as evidence of a present conspiracy against the government: And that where the law positively requires two witnesses, one witness, attended with the most convincing circumstances, could never suffice; much less, when supported by a circumstance so weak and precarious. All these arguments, though urged by the prisoner with great courage and pregnancy of reason, had no influence. The violent and inhuman Jefferies was now chief justice; and by his direction a partial jury was easily prevailed on to give verdict against Sidney.

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His execution followed a few days after: He complained, and with reaſon, of the iniquity of the ſentence; but he had too much greatneſs of mind to deny thoſe conſpiracies with Monmouth and Ruſſel, in which he had been engaged. He rather gloried, that he now ſuffered for that *good old cauſe*, in which, from his earlieſt youth, he ſaid, he had inliſted himſelf.

THE execution of Sidney is regarded as one of the greateſt blemiſhes of the preſent reign. The evidence againſt him, it muſt be confeſſed, was not legal; and the jury, who condemned him, were, for that reaſon, very blameable. But that after ſentence paſſed by a court of judicature, the king ſhould interpoſe and pardon a man, who, though otherwiſe poſſeſſed of merit, was undoubtedly guilty, who had ever been a moſt inflexible and moſt inveterate enemy to the royal family, and who lately had even abuſed the king's clemency, might be an act of heroic generoſity, but can never be regarded as a neceſſary and indiſpenſible duty.

HOWARD was alſo the ſole evidence againſt Hambden; and his teſtimony was not ſupported by any material circumſtance. The crown-lawyers therefore found it in vain to try the priſoner for treaſon: They laid the indictment only for a miſdemeanour, and obtained ſentence againſt him. The fine impoſed was exorbitant; no leſs than forty thouſand pounds.

HOLLOWAY, a merchant of Briſtol, one of the conſpirators, had fled to the Weſt-Indies, and was now brought over. He had been out-lawed; but the year, allowed him for ſurrendering himſelf, was not expired. A trial was therefore offered him: But as he had at firſt confeſſed his being engaged in a conſpiracy for an inſurrection, and even allowed that he had heard ſome diſcourſe of an aſſaſſination, though he had not approved of it, he thought it more expedient to throw himſelf on the king's mercy,

mercy. He was executed, perſiſting in the ſame confeſſion. CHAP. LXIX.

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Sir Thomas Armstrong, who had been ſeized in Holland, and ſent over by Chidley, the king's miniſter, was preciſely in the ſame ſituation with Holloway: But the ſame favour, or rather juſtice, was refuſed him. The lawyers pretended, that, unleſs he had voluntarily ſurrendered himſelf before the expiration of the time aſſigned, he could not claim the privilege of a trial; not conſidering that the ſeizure of his perſon ought in equity to be ſuppoſed the accident which prevented him. The king, bore a great enmity againſt this gentleman, by whom he believed the duke of Monmouth to have been ſeduced from his duty: He alſo aſſerted that Armſtrong had once promiſed Cromwel to aſſaſſinate him; though it muſt be confeſſed, that the priſoner juſtified himſelf from this imputation by very ſtrong arguments. Theſe were the reaſons of that injuſtice, which was now done him. It was apprehended, that ſufficient evidence of his guilt could not be produced; and that even the partial juries, which were now returned, and which allowed themſelves to be entirely directed by Jefferies and other violent judges, would not give ſentence againſt him.

On the day that Ruſſel was tried, Eſſex, a man eminent both for virtues and abilities, was found in the Tower with his throat cut. The coroner's inqueſt brought in their verdict, *ſelf-murther*: Yet becauſe two children ten years old (one of whom too departed from his evidence) had affirmed, that they heard a great noiſe from his window, and that they ſaw a hand throw out a bloody razor; theſe circumſtances were laid hold of, and the murder was aſcribed to the king and the duke, who happened that morning to pay a viſit to the Tower. Eſſex was ſubject to fits of deep melancholy, and had been ſeized with one immediately upon his commitment: He was accuſtomed

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to maintain the lawfulneſs of ſuicide: And his counteſs, upon a ſtrict enquiry, which was committed to the care of Dr. Burnet, found no reaſon to confirm the ſuſpicion: Yet could not all theſe circumſtances, joined to many others, entirely remove the imputation. It is no wonder, that faction is ſo productive of vices of all kinds: For, beſides that it inflames all the paſſions, it tends much to remove thoſe great reſtraints, honour and ſhame; when men find, that no iniquity can loſe them the applauſe of their own party, and no innocence ſecure them againſt the calumnies of the oppoſite.

BUT though there is no reaſon to think, that Eſſex had been murdered by any orders from court, it muſt be acknowledged that an unjuſtifiable uſe in Ruſſel's trial was made of that incident. The king's counſel mentioned it in their pleadings as a ſtrong proof of the conſpiracy; and it is ſaid to have had great weight with the jury. It was inſiſted on in Sidney's trial for the ſame purpoſe.

State of the nation.

SOME memorable cauſes, tried about this time, though they have no relation to the Rye-houſe conſpiracy, ſhow the temper of the bench and of the juries. Oates was convicted of having called the duke a popiſh traitor; was condemned in damages to the amount of one hundred thouſand pounds; and was adjudged to remain in priſon till he ſhould make payment. A like ſentence was paſſed upon Dutton-Colt for a like offence. Sir Samuel Barnardiſton was fined ten thouſand pounds; becauſe in ſome private letters which had been intercepted, he had reflected on the government. This gentleman was obnoxious, becauſe he had been foreman of that jury, which rejected the bill againſt Shafteſbury. A pretence was therefore fallen upon for puniſhing him; though ſuch a precedent may juſtly be deemed a very unuſual act of ſeverity, and ſufficient to deſtroy all confidence in private friendſhip and correſpondence.

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THERE is another remarkable trial, which ſhows the diſpoſition of the courts of judicature, and which, though it paſſed in the enſuing year, it may not be improper to relate in this place. One Roſewel, a preſbyterian preacher, was accuſed by three women of having ſpoken treaſonable words in a ſermon. They ſwore to two or three periods, and agreed ſo exactly together, that there was not the ſmalleſt variation in their depoſitions. Roſewel on the other hand made a very good defence. He proved, that the witneſſes were lewd and infamous perſons. He proved, that, even during Cromwel's uſurpations, he had always been a royaliſt; that he prayed conſtantly for the king in his family: and that in his ſermons he often inculcated the obligations of loyalty. And as to the ſermon, of which he was accuſed, ſeveral witneſſes, who heard it, and ſome who wrote it in ſhort hand, depoſed that he had uſed no ſuch expreſſions as thoſe which were imputed to him. He offered his own notes as a farther proof. The women could not ſhow by any circumſtance or witneſs, that they were at his meeting. And the expreſſions, to which they depoſed, were ſo groſs, that no man in his ſenſes could be ſuppoſed to employ them before a mixt audience. It was alſo urged, that it appeared next to impoſſible for three women to remember ſo long a period upon one ſingle hearing, and to remember it ſo exactly, as to agree to a tittle in their depoſitions with regard to it. The priſoner offered to put the whole upon this iſſue: He would pronounce, with his uſual tone of voice, a period as long as that to which they had ſworn; and then let them try to repeat it, if they could. What was more unaccountable, they had forgotten even the text of his ſermon; nor did they remember any ſingle paſſage, but the words, to which they gave evidence. After ſo ſtrong a defence, the ſolicitor general thought not proper to make any

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any reply: Even Jefferies went no farther than ſome general declamations againſt conventicles and preſbyterians: Yet ſo violent were party-prejudices, that the jury gave a verdict againſt the priſoner; which however appeared ſo palpably unjuſt, that it was not carried into execution.

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THE duke of Monmouth had abſconded on the firſt diſcovery of the conſpiracy; and the court could get no intelligence of him. At length, Halifax, who began to apprehend the too great prevalence of the royal party, and who thought, that Monmouth's intereſt would prove the beſt counterpoize to the duke's, diſcovered his retreat, and prevailed on him to write two letters to the king, full of the tendereſt and moſt ſubmiſſive expreſſions. The king's fondneſs was revived; and he permitted Monmouth to come to court. He even endeavoured to mediate a reconciliation between his ſon and his brother; and having promiſed Monmouth, that his teſtimony ſhould never be employed againſt any of his friends, he engaged him to give a full account of the plot. But, in order to put the country party to ſilence, he called next day an extraordinary council; and informed them, that Monmouth had ſhowed great penitence for the ſhare which he had had in the late conſpiracy, and had expreſſed his reſolutions never more to engage in ſuch criminal enterprizes. He went ſo far as to give orders, that a paragraph to the like purpoſe ſhould be inſerted in the Gazette. Monmouth kept ſilence till he had obtained his pardon in form: But finding, that, by taking this ſtep, he was entirely diſgraced with his party, and that, even though he ſhould not be produced in court as an evidence, his teſtimony, being ſo publicly known, might have weight with juries on any future trial, he reſolved at all hazards to retrieve his honour. His emiſſaries, therefore, received orders to deny, that he had ever made any ſuch confeſſion as that which

which was imputed to him; and the party exclaimed, that the whole was an impoſture of the court. The king provoked at this conduct, baniſhed Monmouth his preſence, and afterwards ordered him to depart the kingdom. CHAP. LXIX. 1683.

THE court was aware, that the malcontents in England had held a correſpondence with thoſe of Scotland; and that Baillie of Jerviſwood, a man of merit and learning with two gentlemen of the name of Campbel, had come to London, under pretence of negociating the ſettlement of the Scottiſh preſbyterians in Carolina, but really with a view of concerting meaſures with the Engliſh conſpirators. Baillie was ſent priſoner to Edinburgh; but as no evidence appeared againſt him, the council required him to ſwear, that he would anſwer all queſtions, which ſhould be propounded to him. He refuſed to ſubmit to ſo iniquitous a condition; and a fine of ſix thouſand pounds was impoſed upon him. At length, two perſons, Spence and Carſtares, being put to the torture, gave evidence which involved the earl of Tarras and ſome others, who, in order to ſave themſelves, were reduced to accuſe Baillie. He was brought to trial; and being in ſo languiſhing a condition from the treatment which he had met with in priſon, that it was feared he would not ſurvive that night, he was ordered to be executed the very afternoon on which he received ſentence.

THE ſeverities, exerciſed during this part of the preſent reign, were much contrary to the uſual tenor of the king's conduct; and though thoſe who ſtudied his character more narrowly, have pronounced, that towards great offences he was rigid and inexorable, the nation were more inclined to aſcribe every unjuſt or hard meaſure to the prevalence of the duke, into whoſe hands the king had, from indolence, not from any opinion of his brother's ſuperior capacity, reſigned the reins of government.

The

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1683. The crown indeed gained great advantage from the detection of the conſpiracy, and loſt none by the rigorous execution of the conſpirators: The horror entertained againſt the aſſaſſination-plot, which was generally confounded with the project for an inſurrection, rendered the whole party unpopular, and reconciled the nation to the meaſures of the court. The moſt loyal addreſſes came from all parts; and the doctrine of ſubmiſſion to the civil magiſtrate, and even of an unlimited paſſive obedience, became the reigning principle of the times. The univerſity of Oxford paſſed a ſolemn decree, condemning ſome doctrines, which they termed republican, but which indeed are, moſt of them, the only tenets, on which liberty and a limited conſtitution can be founded. The faction of the excluſioniſts, lately ſo numerous, powerful, and zealous, were at the king's feet; and were as much fallen in their ſpirit as in their credit with the nation. Nothing that had the leaſt appearance of oppoſition to the court, could be hearkened to by the public [s].

1684. THE king endeavoured to encreaſe his preſent popularity by every art; and knowing, that the ſuſpicion of popery was of all others the moſt dangerous, he judged it proper to marry his niece, the lady Anne, to prince George, brother to the king of Denmark. All the credit, however, and perſuaſion of Halifax could not engage him to call a parliament, or truſt the nation with the election of a new repreſentative. Though his revenues were

[s] In the month of November this year died Prince Rupert, in the ſixty-third year of his age. He had left his own country ſo early, that he had become an entire Engliſhman, and was even ſuſpected, in his latter days, of a biaſs to the country party. He was for that reaſon much neglected at court. The duke of Lauderdale died alſo this year.

extremely

extremely burthened, he rather chose to struggle with the present difficulties, than try an experiment, which, by raising afresh so many malignant humours, might prove dangerous to his repose. The duke likewise zealously opposed this proposal, and even engaged the king in measures, which could have no tendency, but to render any accommodation with a parliament altogether impracticable. Williams, who had been speaker during the two last parliaments, was prosecuted for warrants, issued by him, in obedience to orders of the house: A breach of privilege, which, it seemed not likely, any future house of commons would leave unquestioned. Danby and the popish lords, who had so long been confined in the Tower, and who saw no prospect of a trial in parliament, applied by petition, and were admitted to bail: A measure just in itself, but deemed a great encroachment on the privileges of that assembly. The duke, contrary to law, was restored to the office of high admiral, without taking the test. CHAP. LXIX. 1684.

HAD the least grain of jealousy or emulation been mixed in the king's character; had he been actuated by that concern for his people's or even for his own honour, which his high station demanded, he would have hazarded many domestic inconveniencies rather than allow France to domineer in so haughty a manner as that which at present she assumed in every negociation. The peace of Nimeguen, imposed by the Dutch on their unwilling allies, had disjointed the whole confederacy; and all the powers, engaged in it, had disbanded their supernumerary troops, which they found it difficult to subsist. Lewis alone still maintained a powerful army, and by his preparations rendered himself every day more formidable. He now acted as if he were the sole sovereign in Europe, and as if all other princes were soon to become his vassals. State of foreign affairs.

Courts

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1684.

Courts or chanbers were erected in Metz and Briſac, for re-uniting ſuch territories as had ever been members of any part of his new conqueſts. They made inquiry into titles buried in the moſt remote antiquity. They cited the neighbouring princes to appear before them, and iſſued decrees, expelling them the conteſted territories. The importan town of Straſbourg, an ancient and a free ſtate, was ſeized by Lewis: Aloſt was demanded of the Spaniards, on a frivolous, and even ridiculous pretence; and upon their refuſal to yield it, Luxembourg was blockaded, and ſoon after taken [t]. Genoa had been bombarded, becauſe the Genoeſe had ſtipulated to build ſome gallies for the Spaniards; and, in order to avoid more ſevere treatment, that republic was obliged to yield to the moſt mortifying conditions. The empire was inſulted in its head and principal members; and uſed no other expedient for redreſs, than impotent complaints and remonſtrances.

SPAIN was ſo enraged at the inſolent treatment which ſhe met with, that, without conſidering her preſent weak condition, ſhe declared war againſt her haughty enemy: She hoped that the other powers of Europe, ſenſible of the common danger, would fly to her aſſiſtance. The prince of Orange, whoſe ruling paſſions were love of war and animoſity againſt France, ſeconded every where the applications of the Spaniards. In the year 1681, he made a journey to England, in order to engage the king into cloſer meaſures with the confederates. He alſo propoſed to the States to make an augmentation of their forces; but ſeveral of the provinces, and even the town of Amſterdam, had been gained by the French, and the

[t] It appears from Sr John Dalrymple's Appendix, that the king received from France a million of livres for his connivance at the ſeizure of Luxembourg, beſide his ordinary penſion.

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proposal was rejected. The prince's enenies derived the most plausible reasons of their oppositionfrom the situation of England, and the known and avowed attachments of the English monarch.

No sooner had Charles dismissed his parliament, and embraced the resolution of governing by prerogative alone, than he dropped his new alliance with Span and returned to his former dangerous connections with Lewis. This prince had even offered to make him arbiter of his differences with Spain; and the latter powr, sensible of Charles's partiality, had refused to submi to such a disadvantageous proposal. Whether any noney was now remitted to England, we do not certainly know: But we may fairly presume, that the king's necessities were in some degree relieved by France [u]. And hough Charles had reason to apprehend the utmost dangerfrom the great, and still encreasing, naval power of that kngdom, joined to the weak condition of the English fleet, no consideration was able to rouze him from his presett lethargy.

[u] The following passage is an extract from M. Barillon's letters kept in the *Depot des Affaires etrangeres* at Versailles. It was lately ommunicated to the author while in France. Convention verbale arreté le 1 avril 1681. Charles 2 s'engage a ne rien omettre pour pouvoir faire connoitre à sa majesté qu'elle avoit raison de prendre confiance en lui; a se dégager peu a peu de l' alliance avec l'Espagne, & a se mettre en etat de ne poit etre contraint par son parlement de faire quelque chose d'opposé aux noveaux engagemens qu'il prenoit. En consequence le roi promet un subside de deux millions la premiere des trois années de cet engagement & 500,000 cus les deux autres, se contentant de la parole de sa majesté Britannique, d'agir à l'egard de sa majesté conformement aux obligations qu'il lui avoit. L Sr. Hyde demanda que le roi s'engagea a ne point attaquer les pays bas & meme Strasbourg, temoignant que le roi son maitre ne pourroit s'empeche de secourir les pais bas, quand même son parlement ne seroit point assemblé. M. Barillon lui repondit en termes generaux par ordre du roi, que sa majesté n' avoit point intention de rompre la paix, & qu'il n'engageroit pas sa majesté Britannique en choses contraires à ses veritables interets.

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1684. It is here we are to fix the point of the higheſt exaltation, which the power of Lewis or that of any European prince, ſince the age of Charlemagne, had ever attained. The monarch, moſt capable of oppoſing his progreſs was entirely engaged in his intereſts; and the Turks, invited by the malcontents of Hungary, were preparing to invade the emperor, and to diſable that prince from making head againſt the progreſs of the French power. Lewis may even be accuſed of overſight, in not making ſufficient advantage of ſuch favourable opportunities, which he was never afterwards able to recall. But that monarch, though more governed by motives of ambition than by thoſe of juſtice or moderation, was ſtill more actuated by the ſuggeſtions of vanity. He contented himſelf with inſulting and domineering over all the princes and free ſtates of Europe; and he thereby provoked their reſentment, without ſubduing their power. While every one, who approached his perſon, and behaved with ſubmiſſion to his authority, was treated with the higheſt politeneſs; all the neighbouring potentates had ſucceſſively felt the effects of his haughty imperious diſpoſition. And by indulging his poets, orators, and courtiers in their flatteries, and in their prognoſtications of univerſal empire, he conveyed faſter, than by the proſpect of his power alone, the apprehenſion of general conqueſt and ſubjection.

1685. The French greatneſs never, during his whole reign, inſpired Charles with any apprehenſions; and Clifford, it is ſaid, one of his moſt favoured miniſters, went ſo far as to affirm, that it were better for the king to be viceroy under a great and generous monarch, than a ſlave to five hundred of his own inſolent ſubjects. The ambition, therefore,

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therefore, and uncontrouled power of Lewis were no diminution of Charles's happineſs; and in other reſpects his condition ſeemed at preſent more eligible than it had ever been ſince his reſtoration. A mighty faction, which had ſhaken his throne, and menaced his family, was totally ſubdued; and by their precipitate indiſcretion had expoſed themſelves both to the rigour of the laws and to public hatred. He had recovered his former popularity in the nation; and what probably pleaſed him more than having a compliant parliament, he was enabled to govern altogether without one. But it is certain, that the king, amidſt all theſe promiſing circumſtances, was not happy or ſatisfied. Whether he found himſelf expoſed to difficulties for want of money, or dreaded a recoil of the popular humour from the preſent arbitrary meaſures, is uncertain. Perhaps the violent, imprudent temper of the duke, by puſhing Charles upon dangerous attempts, gave him apprehenſion and uneaſineſs. He was overheard one day to ſay, in oppoſing ſome of the duke's haſty counſels, "Brother, I am too old to go again to my "travels: You may, if you chuſe it." Whatever was the cauſe of the king's diſſatisfaction, it ſeems probable, that he was meditating ſome change of meaſures, and had formed a new plan of adminiſtration. He was determined, it is thought, to ſend the duke to Scotland, to recall Monmouth, to ſummon a parliament, to diſmiſs all his unpopular miniſters, and to throw himſelf entirely on the good will and affections of his ſubjects [x]. Amidſt theſe truly wiſe and virtuous deſigns, he was ſeized with a ſudden fit, which reſembled an apoplexy; and though he was recovered from it by bleeding, he languiſhed only for a few days, and then expired, in the fifty-fifth year

King's ſickneſs and death, 6th Feb.

x King James's Memoirs confirm this rumor, as alſo D'Avaux's Negotiations, 14 Dec. 1684.

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of his age, and twenty-fifth of his reign. He was so happy in a good constitution of body, and had ever been so remarkably careful of his health, that his death struck as great a surprize into his subjects, as if he had been in the flower of his youth. And their great concern for him, owing to their affection for his person, as well as their dread of his successor, very naturally, when joined to the critical time of his death, begat the suspicion of poison. All circumstances however considered, this suspicion must be allowed to vanish; like many others, of which all histories are full.

DURING the few days of the king's illness, clergymen of the church of England attended him; but he discovered a total indifference towards their devotions and exhortations. Catholic priests were brought, and he received the sacrament from them, accompanied with the other rites of the Romish church. Two papers were found in his cabinet, written with his own hand, and containing arguments in favour of that communion. The duke had the imprudence immediately to publish these papers, and thereby both confirmed all the reproaches of those who had been the greatest enemies to his brother's measures, and afforded to the world a specimen of his own bigotry.

and character.

IF we survey the character of Charles II. in the different lights, which it will admit of, it will appear various, and give rise to different and even opposite sentiments. When considered as a companion, he appears the most amiable and engaging of men; and indeed, in this view, his deportment must be allowed altogether unexceptionable. His love of raillery was so tempered with good breeding, that it was never offensive: His propensity to satire was so checked with discretion, that his friends never dreaded their becoming the object of it: His wit,

to

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to uſe the expreſſion of one who knew him well, and who was himſelf a good judge[z], could not be ſaid ſo much to be very refined or elevated, qualities apt to beget jealouſy and apprehenſion in company, as to be a plain, gaining, well-bred, recommending kind of wit. And though perhaps he talked more than ſtrict rules of behaviour might permit, men were ſo pleaſed with the affable, communicative deportment of the monarch, that they always went away contented both with him and with themſelves. This indeed is the moſt ſhining part of the king's character; and he ſeems to have been ſenſible of it: For he was fond of dropping the formality of ſtate, and of relapſing every moment into the companion.

In the duties of private life his conduct, though not free from exception, was, in the main, laudable. He was an eaſy generous lover, a civil obliging huſband, a friendly brother, an indulgent father, and a good natured maſter[a]. The voluntary friendſhips, however, which this prince contracted, nay, even his ſenſe of gratitude, were feeble; and he never attached himſelf to any of his miniſters or courtiers with a ſincere affection. He believed them to have no motive in ſerving him but ſelf-intereſt; and he was ſtill ready, in his turn, to ſacrifice them to preſent eaſe or convenience.

With a detail of his private character we muſt ſet bounds to our panegyric on Charles. The other parts of his conduct may admit of ſome apology, but can deſerve ſmall applauſe. He was indeed ſo much fitted for private life, preferably to public, that he even poſſeſſed order, frugality, and œconomy in the former: Was profuſe, thoughtleſs, and negligent in the latter. When we conſider him as a ſovereign, his character, though not altogether deſtitute of virtue, was in the main dangerous to

[z] Marqueſs of Halifax. [a] Duke of Buckingham.

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his people, and dishonourable to himself. Negligent of the interests of the nation, careless of its glory, averse to its religion, jealous of its liberty, lavish of its treasure, sparing only of its blood; he exposed it by his measures, though he ever appeared but in sport, to the danger of a furious civil war, and even to the ruin and ignominy of a foreign conquest. Yet may all these enormities, if fairly and candidly examined, be imputed, in a great measure, to the indolence of his temper; a fault, which, however unfortunate in a monarch, it is impossible for us to regard with great severity.

It has been remarked of Charles, that he never said a foolish thing nor ever did a wise one: A censure, which, though too far carried, seems to have some foundation in his character and deportment. When the king was informed of this saying, he observed, that the matter was easily accounted for: For that his discourse was his own, his actions were the ministry's.

If we reflect on the appetite for power inherent in human nature, and add to it the king's education in foreign countries, and among the cavaliers, a party which would naturally exaggerate the late usurpations of popular assemblies upon the rights of monarchy; it is not surprizing, that civil liberty should not find in him a very zealous patron. Harassed with domestic faction, weary of calumnies and complaints, oppressed with debts, straitened in his revenue, he sought, though with feeble efforts, for a form of government, more simple in its structure and more easy in its management. But his attachment to France, after all the pains, which we have taken, by enquiry and conjecture, to fathom it, contains still something, it must be confessed, mysterious and inexplicable. The hopes of rendering himself absolute by Lewis's assistance seem so chimerical, that they could scarcely be retained with such obstinacy by a prince of

Charles's penetration: And as to pecuniary ſubſidies, he ſurely ſpent much greater ſums in one ſeaſon, during the ſecond Dutch war, than were remitted him from France during the whole courſe of his reign. I am apt therefore to imagine, that Charles was in this particular guided chiefly by inclination, and by a prepoſſeſſion in favour of the French nation. He conſidered that people as gay, ſprightly, polite, elegant, courteous, devoted to their prince, and attached to the catholic faith; and for theſe reaſons he cordially loved them. The oppoſite character of the Dutch had rendered them the objects of his averſion; and even the uncourtly humours of the Engliſh made him very indifferent towards them. Our notions of intereſt are much warped by our affections; and it is not altogether without example, that a man may be guided by national prejudices, who has ever been little biaſſed by private and perſonal friendſhip. CHAP. LXIX. 1685.

THE character of this prince has been elaborately drawn by two great maſters, perfectly well acquainted with him, the duke of Buckingham and the marqueſs of Halifax; not to mention ſeveral elegant ſtrokes given by Sir William Temple. Dr. Welwood likewiſe and biſhop Burnet have employed their pencil on the ſame ſubject: But the former is ſomewhat partial in his favour; as the latter is by far too harſh and malignant. Inſtead of finding an exact parallel between Charles II. and the emperor Tiberius, as aſſerted by that prelate, it would be more juſt to remark a full contraſt and oppoſition. The emperor ſeems as much to have ſurpaſſed the king in abilities, as he falls ſhort of him in virtue. Provident, wiſe, active, jealous, malignant, dark, ſullen, unſociable, reſerved, cruel, unrelenting, unforgiving; theſe

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are the lights, under which the Roman tyrant has been tranſmitted to us. And the only circumſtance, in which, it can juſtly be pretended, he was ſimilar to Charles, is his love of women, a paſſion which is too general to form any ſtriking reſemblance, and which that deteſtable and deteſted monſter ſhared alſo with unnatural appetites.

JAMES II.

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King's first transactions——A parliament——Arguments for and against a revenue for life——Oates convicted of perjury——Monmouth's invasion——His defeat——and execution——Cruelties of Kirke——and of Jefferies——State of affairs in Scotland——Argyle's invasion——defeat—— and execution——A parliament —— French persecutions——The dispensing power——State of Ireland——Breach betwixt the king and the church——Court of ecclesiastical commission——Sentence against the bishop of London——Suspension of the penal laws——State of Ireland——Embassy to Rome——Attempt on Magdalen College——Imprisonment——trial, and acquittal of the bishops——Birth of the prince of Wales.

CHAP. LXX. 1685. King's first transactions.

THE first act of James's reign was to assemble the privy council; where, after some praises bestowed on the memory of his predecessor, he made professions of his resolution to maintain the established government, both in church and state. Though he had been reported, he said, to have imbibed arbitrary principles, he knew that the laws of England were sufficient to make him as great a monarch as he could wish; and he was determined never to depart from them. And as he had heretofore ventured his life in defence of the nation, he

CHAP. LXX. would ſtill go as far as any man in maintaining all its juſt rights and liberties.

1685. THIS diſcourſe was received with great applauſe, not only by the council, but by the nation. The king univerſally paſſed for a man of great ſincerity and great honour; and as the current of favour ran at that time for the court, men believed, that his intentions were conformable to his expreſſions. "We have now," it was ſaid, "the word of a king; and a word never yet "broken." Addreſſes came from all quarters, full of duty, nay, of the moſt ſervile adulation. Every one haſtened to pay court to the new monarch [b]: And James had reaſon to think, that, notwithſtanding the violent efforts made by ſo potent a party for his excluſion, no throne in Europe was better eſtabliſhed than that of England.

THE king, however, in the firſt exerciſe of his authority, ſhewed, that either he was not ſincere in his profeſſions of attachment to the laws, or that he had entertained ſo lofty an idea of his own legal power, that even his utmoſt ſincerity would tend very little to ſecure the liberties of the people. All the cuſtoms and the greater part of the exciſe had been ſettled by parliament on the late king during life, and conſequently the grant was now expired; nor had the ſucceſſor any right to levy theſe branches of revenue. But James iſſued a proclamation, ordering the cuſtoms and exciſe to be paid as before; and this exertion of power he would not deign to qualify by the leaſt act or even appearance of condeſcen-

[b] The quakers' addreſs was eſteemed ſomewhat ſingular for its plainneſs and ſimplicity. It was conceived in theſe terms: "We are come to teſtify "our ſorrow for the death of our good friend Charles, and our joy for thy "being made our governor. We are told thou art not of the perſuaſion of "the church of England, no more than we: Wherefore we hope thou wilt "grant us the ſame liberty, which thou alloweſt thyſelf. Which doing, we "wiſh thee all manner of happineſs."

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sion. It was proposed to him, that, in order to prevent the ill effects of any intermission in levying these duties, entries should be made, and bonds for the sums be taken from the merchants and brewers: But the payment be suspended till the parliament should give authority to receive it. This precaution was recommended as an expression of deference to that assembly, or rather to the laws: But for that very reason, probably, it was rejected by the king, who thought, that the commons would thence be invited to assume more authority, and would regard the whole revenue, and consequently the whole power, of the crown, as dependent on their good will and pleasure. CHAP. LXX. 1685.

THE king likewise went openly, and with all the ensigns of his dignity, to mass, an illegal meeting: And by this imprudence he displayed at once his arbitrary disposition, and the bigotry of his principles: These two great characteristics of his reign, and bane of his administration. He even sent Caryl, as his agent, to Rome, in order to make submissions to the pope, and to pave the way for a solemn re-admission of England into the bosom of the catholic church. The pope, Innocent the XIth, prudently advised the king not to be too precipitate in his measures, nor rashly attempt what repeated experience might convince him was impracticable. The Spanish ambassador, Ronquillo, deeming the tranquillity of England necessary for the support of Spain, used the freedom to make like remonstrances. He observed to the king, how busy the priests appeared at court, and advised him not to assent with too great facility to their dangerous counsels. "Is it not the custom in Spain," said James, "for the king to consult with his confessor?" "Yes," replied the ambassador, "and it is for that very reason "our affairs succeed so ill."

JAMES gave hopes on his accession, that he would hold the balance of power more steadily than his predecessor; and

CHAP. LXX. 1685. and that France, instead of rendering England subservient to her ambitious projects, would now meet with strong opposition from that kingdom. Besides applying himself to business with industry, he seemed jealous of national honour, and expressed great care, that no more respect should be paid to the French ambassador at London than his own received at Paris. But these appearances were not sufficiently supported, and he found himself immediately under the necessity of falling into a union with that great monarch, who, by his power as well as his zeal, seemed alone able to assist him, in the projects formed for promoting the catholic religion in England.

NOTWITHSTANDING the king's prejudices, all the chief offices of the crown continued still in the hands of protestants. Rochester was treasurer; his brother Clarendon chamberlain; Godolphin chamberlain to the queen; Sunderland secretary of state; Halifax president of the council. This nobleman had stood in opposition to James during the last years of his brother's reign; and when he attempted, on the accession, to make some apology for his late measures, the king told him, that he would forget every thing past, except his behaviour during the bill of exclusion. On other occasions, however, James appeared not of so forgiving a temper. When the principal exclusionists came to pay their respect to the new sovereign, they either were not admitted, or were received very coldly, sometimes even with frowns. This conduct might suit the character, which the king so much affected, of sincerity: But by showing, that a king of England could resent the quarrels of a duke of York, he gave his people no high idea either of his lenity or magnanimity.

ON all occasions, the king was open in declaring, that men must now look for a more active and more

vigilant government, and that he would retain no minis- CHAP. LXX.
ters, who did not practise an unreserved obedience to his commands. We are not indeed to look for the springs of his administration so much in his council and chief officers of state, as in his own temper, and in the character of those persons, with whom he secretly consulted. The queen had great influence over him; a woman of spirit, whose conduct had been popular till she arrived at that high dignity. She was much governed by the priests, especially the jesuits; and as these were also the king's favourites, all public measures were taken originally from the suggestions of these men, and bore evident marks of their ignorance in government, and of the violence of their religious zeal. 1685.

The king however had another attachment, seemingly not very consistent with this devoted regard to his queen and to his priests: It was to Mrs. Sedley, whom he soon after created countess of Dorchester, and who expected to govern him with the same authority, which the duchess of Portsmouth had possessed during the former reign. But James, who had entertained the ambition of converting his people, was told, that the regularity of his life ought to correspond to the sanctity of his intentions; and he was prevailed with to remove Mrs. Sedley from court: A resolution in which he had not the courage to persevere. Good agreement between the mistress and the confessor of princes is not commonly a difficult matter to compass: But in the present case these two potent engines of command were found very incompatible. Mrs. Sedley, who possessed all the wit and ingenuity of her father, Sir Charles, made the priests and their counsels the perpetual object of her raillery; and it is not to be doubted, but they, on their part, redoubled their exhortations with their penitent to break off so criminal an attachment.

How

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1685. How little inclination ſoever the king, as well as his queen and prieſts, might bear to an Engliſh parliament, it was abſolutely neceſſary, at the beginning of the reign, to ſummon that aſſembly. The low condition, to which the whigs or country party had fallen during the laſt years of Charles's reign, the odium under which they laboured on account of the Rye-houſe conſpiracy; theſe cauſes made that party meet with little ſucceſs in the elections. The general reſignation too of the charters had made the corporations extremely dependent; and the recommendations of the court, though little aſſiſted, at that time, by pecuniary influence, were become very prevalent. The new houſe of commons, therefore, conſiſted almoſt entirely of zealous tories and churchmen; and were of conſequence ſtrongly biaſſed, by their affections, in favour of the meaſures of the crown.

A parliament.

19th of May. THE diſcourſe, which the king made to the parliament, was more fitted to work on their fears than their affections. He repeated indeed, and with great ſolemnity, the promiſe which he had made before the privy-council, of governing according to the laws, and of preſerving the eſtabliſhed religion: But at the ſame time he told them, that he poſitively expected they would ſettle his revenue, and during life too, as in the time of his brother. "I might uſe many arguments," ſaid he, "to inforce this demand; the benefit of trade, the ſup-"port of the navy, the neceſſities of the crown, and "the well-being of the government itſelf, which I muſt "not ſuffer to be precarious: But I am confident, that "your own conſideration and your ſenſe of what is juſt "and reaſonable, will ſuggeſt to you whatever on this "occaſion might be enlarged upon. There is indeed "one popular argument," added he, "which may be "urged againſt compliance with my demand: Men may "think, that by feeding me from time to time with ſuch

"ſupplies

"supplies as they think convenient, they will better se- CHAP. LXX.
"cure frequent meetings of parliament: But as this is
"the first time I speak to you from the throne, I must 1685.
"plainly tell you, that such an expedient would be very
"improper to employ with me, and that the best way
"to engage me to meet you often is always to use me
"well."

It was easy to interpret this language of the king's. He plainly intimated, that he had resources in his prerogative for supporting the government, independent of their supplies; and that so long as they complied with his demands, he would have recourse to them; but that any ill usage on their part would set him free from those measures of government, which he seemed to regard more as voluntary than as necessary. It must be confessed, that no parliament in England was ever placed in a more critical situation, nor where more forcible arguments could be urged, either for their opposition to the court, or their compliance with it.

Reasons for and against a revenue during life.

It was said on the one hand, that jealousy of royal power was the very basis of the English constitution, and the principle, to which the nation was beholden for all that liberty, which they enjoy above the subjects of other monarchies. That this jealousy, though, at different periods, it may be more or less intense, can never safely be laid asleep, even under the best and wisest princes. That the character of the present sovereign afforded cause for the highest vigilance, by reason of the arbitrary principles, which he had imbibed; and still more, by reason of his religious zeal, which it is impossible for him ever to gratify, without assuming more authority than the constitution allows him. That power is to be watched in its very first encroachments; nor is any thing ever gained by timidity and submission. That every concession adds new force to usurpation; and at the same time,

by

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by diſcovering the daſtardly diſpoſitions of the people, inſpires it with new courage and enterprize. That as arms were intruſted altogether in the hands of the prince, no check remained upon him but the dependent condition of his revenue; a ſecurity therefore which it would be the moſt egregious folly to abandon. That all the other barriers, which, of late years, had been erected againſt arbitrary power, would be found, without this capital article, to be rather pernicious and deſtructive. That new limitations in the conſtitution ſtimulated the monarch's inclination to ſurmount the laws, and required frequent meetings of parliament, in order to repair all the breaches, which either time or violence may have made upon that complicated fabric. That recent experience during the reign of the late king, a prince who wanted neither prudence nor moderation, had ſufficiently proved the ſolidity of all theſe maxims. That his parliament, having raſhly fixed his revenue for life, and at the ſame time repealed the triennial bill, found that they themſelves were no longer of importance, and that liberty, not protected by national aſſemblies, was expoſed to every outrage and violation. And that the more openly the king made an unreaſonable demand, the more obſtinately ought it to be refuſed; ſince it is evident, that his purpoſe in making it cannot poſſibly be juſtifiable.

On the other hand it was urged, that the rule of watching the very firſt encroachments of power could only have place, where the oppoſition to it could be regular, peaceful, and legal. That though the refuſal of the king's preſent demand might ſeem of this nature, yet in reality it involved conſequences, which led much farther than at firſt ſight might be apprehended. That the king in his ſpeech had intimated, that he had reſources in his prerogative, which, in caſe of oppoſition from parliament, he thought himſelf fully entitled to employ. That if the

the parliament openly discovered an intention of reducing him to dependence, matters must presently be brought to a crisis, at a time the most favourable to his cause, which his most sanguine wishes could ever have promised him. That if we cast our eyes abroad, to the state of affairs on the continent, and to the situation of Scotland and Ireland; or, what is of more importance, if we consider the disposition of men's minds at home, every circumstance would be found adverse to the cause of liberty. That the country party, during the late reign, by their violent, and in many respects unjustifiable measures in parliament, by their desperate attempts out of parliament, had exposed their principles to general hatred, and had excited extreme jealousy in all the royalists and zealous churchmen, who now formed the bulk of the nation. That it would not be acceptable to that party to see this king worse treated than his brother in point of revenue, or any attempts made to keep the crown in dependence. That they thought parliaments as liable to abuse as courts, and desired not to see things in a situation, where the king could not, if he found it necessary, either prorogue or dissolve those assemblies. That if the present parliament, by making great concessions, could gain the king's confidence, and engage him to observe the promises now given them, every thing would by gentle methods succeed to their wishes. That if, on the contrary, after such instances of compliance, he formed any designs on the liberty and religion of the nation, he would, in the eyes of all mankind, render himself altogether inexcusable, and the whole people would join in opposition to him. That resistance could scarcely be attempted twice; and there was therefore the greater necessity for waiting till time and incidents had fully prepared the nation for it. That the king's prejudices in favour of popery, though in the main pernicious, were

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were yet so far fortunate, that they rendered the connexion inseparable between the national religion and national liberty. And that if any illegal attempts were afterwards made, the church, which was at present the chief support of the crown, would surely catch the alarm, and would soon dispose the people to an effectual resistance.

These last reasons, enforced by the prejudices of party, prevailed in parliament; and the commons, besides giving thanks for the king's speech, voted unanimously, that they would settle on his present majesty during life all the revenue enjoyed by the late king at the time of his demise. That they might not detract from this generosity by any symptoms of distrust, they also voted unanimously, that the house entirely relied on his majesty's royal word and repeated declarations to support the religion of the church of England; but they added, that that religion was dearer to them than their lives. The speaker, in presenting the revenue-bill, took care to inform the king of their vote with regard to religion; but could not, by so signal a proof of confidence, extort from him one word, in favour of that religion, on which, he told his majesty, they set so high a value. Notwithstanding the grounds of suspicion, which this silence afforded, the house continued in the same liberal disposition. The king having demanded a farther supply for the navy and other purposes, they revived those duties on wines and vinegar, which had once been enjoyed by the late king; and they added some impositions on tobacco and sugar. This grant amounted on the whole to about six hundred thousand pounds a year.

The house of lords were in a humour no less compliant. They even went some lengths towards breaking in pieces all the remains of the popish plot; that once formidable engine of bigotry and faction.

A little

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1685 Oates convicted of perjury.

A LITTLE before the meeting of parliament, Oates had been tried for perjury on two indictments. One for depoſing, that he was preſent at a conſult of jeſuits in London the twenty-fourth of April, 1679: Another for depoſing, that father Ireland was in London between the eighth and twelfth of Auguſt, and in the beginning of September in the ſame year. Never criminal was convicted on fuller and more undoubted evidence. Two and twenty perſons, who had been ſtudents at St. Omers, moſt of them men of credit and family, gave evidence, that Oates had entered into that ſeminary about Chriſtmas in the year 1678, and had never been abſent but one night, till the month of July following. Forty-ſeven witneſſes, perſons alſo of untainted character, depoſed that father Ireland, on the third of Auguſt, 1679, had gone to Staffordſhire, where he reſided till the middle of September; and, what ſome years before would have been regarded as a very material circumſtance, nine of theſe witneſſes were proteſtants, of the church of England. Oates's ſentence was, to be fined a thouſand marks on each indictment, to be whipped on two different days from Aldgate to Newgate, and from Newgate to Tyburn, to be impriſoned during life, and to be pilloried five times every year. The impudence of the man ſupported itſelf under the conviction, and his courage under the puniſhment. He made ſolemn appeals to Heaven, and proteſtations of the veracity of his teſtimony: Though the whipping was ſo cruel, that it was evidently the intention of the court to put him to death by that puniſhment, he was enabled, by the care of his friends, to recover: And he lived to king William's reign; when a penſion of four hundred pounds a year was ſettled on him. A conſiderable number ſtill adhered to him in his diſtreſſes, and regarded him as the martyr of the proteſtant cauſe. The populace were affected with the

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ſight of a puniſhment, more ſevere than is commonly inflicted in England. And the ſentence of perpetual impriſonment was deemed illegal.

The conviction of Oates's perjury was taken notice of by the houſe of peers. Beſides freeing the popiſh lords, Powis, Arundel, Bellaſis, and Tyrone, together with Danby, from the former impeachment by the commons, they went ſo far as to vote a reverſal of Stafford's attainder, on account of the falſhood of that evidence, on which he had been condemned. This bill fixed ſo deep a reproach on the former proceedings of the excluſioniſts, that it met with great oppoſition among the lords; and it was at laſt, after one reading, dropped by the commons. Though the reparation of injuſtice be the ſecond honour, which a nation can attain; the preſent emergence ſeemed very improper for granting ſo full a juſtification to the catholics, and throwing ſo foul a ſtain on the proteſtants.

Monmouth's invaſion.

THE courſe of parliamentary proceedings was interrupted by the news of Monmouth's arrival in the weſt with three ſhips from Holland. No ſooner was this intelligence conveyed to the parliament, than they voted, that they would adhere to his majeſty with their lives and fortunes. They paſſed a bill of attainder againſt Monmouth; and they granted a ſupply of four hundred thouſand pounds for ſuppreſſing his rebellion. Having thus ſtrengthened the hands of the king, they adjourned themſelves.

MONMOUTH, when ordered to depart the kingdom, during the late reign, had retired to Holland; and as it was well known, that he ſtill enjoyed the favour of his indulgent father, all marks of honour and diſtinction were beſtowed upon him by the prince of Orange. After the acceſſion of James, the prince thought it neceſſary to diſmiſs Monmouth and all his followers; and that illuſtrious fugitive retired to Bruſſels. Finding himſelf ſtill

purſued by the king's ſeverity, he was puſhed, contrary to his judgment as well as inclination, to make a raſh and premature attempt upon England. He ſaw that James had lately mounted the throne, not only without oppoſition, but ſeemingly with the good will and affections of his ſubjects. A parliament was ſitting, which diſcovered the greateſt diſpoſition to comply with the king, and whoſe adherence, he knew, would give a ſanction and authority to all public meaſures. The grievances of this reign were hitherto of ſmall importance; and the people were not as yet in a diſpoſition to remark them with great ſeverity. All theſe conſiderations occurred to Monmouth; but ſuch was the impatience of his followers, and ſuch the precipitate humour of Argyle, who ſet out for Scotland a little before him, that no reaſons could be attended to; and this unhappy man was driven upon his fate. CHAP. LXX. 1685.

THE imprudence, however, of this enterprize did not at firſt appear. Though on his landing at Lime in Dorſetſhire, he had ſcarcely a hundred followers; ſo popular was his name, that in four days he had aſſembled above two thouſand horſe and foot. They were indeed, almoſt all of them, the loweſt of the people; and the declaration, which he publiſhed, was chiefly calculated to ſuit the prejudices of the vulgar, or the moſt bigotted of the whig-party. He called the king, duke of York; and denominated him a traitor, a tyrant, an aſſaſſin, and a popiſh uſurper. He imputed to him the fire of London, the murder of Godfrey and of Eſſex, nay the poiſoning of the late king. And he invited all the people to join in oppoſition to his tyranny. 11th June.

THE duke of Albemarle, ſon to him who had reſtored the royal family, aſſembled the militia of Devonſhire to the number of 4000 men, and took poſt at Axminſter, in

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order to oppose the rebels; but observing, that his troops bore a great affection to Monmouth, he thought proper to retire. Monmouth, though he had formerly given many proofs of personal courage, had not the vigour of mind requisite for an undertaking of this nature. From an ill grounded diffidence of his men, he neglected to attack Albemarle; an easy enterprize, by which he might both have acquired credit and have supplied himself with arms. Lord Gray, who commanded his horse, discovered himself to be a notorious coward; yet such was the softness of Monmouth's nature, that Gray was still continued in his command. Fletcher of Salton, a Scotchman, a man of signal probity and fine genius, had been engaged by his republican principles in this enterprize, and commanded the cavalry together with Gray: But being insulted by one, who had newly joined the army, and whose horse he had in a hurry made use of, he was prompted by passion, to which he was much subject, to discharge a pistol at the man; and he killed him on the spot. This incident obliged him immediately to leave the camp; and the loss of so gallant an officer was a great prejudice to Monmouth's enterprize.

THE next station of the rebels was Taunton, a disaffected town, which gladly and even fondly received them, and re-inforced them with considerable numbers. Twenty young maids of some rank presented Monmouth with a pair of colours of their handiwork, together with a copy of the bible. Monmouth was here persuaded to take upon him the title of king, and assert the legitimacy of his birth; a claim, which he advanced in his first declaration, but whose discussion he was determined, he then said, during some time to postpone. His numbers had now increased to six thousand; and he was obliged every day, for want of arms, to dismiss a great many, who

who crowded to his ſtandard. He entered Bridgewater, Wells, Frome; and was proclaimed in all theſe places: But forgetting, that ſuch deſperate enterprizes can only be rendered ſucceſsful by the moſt adventurous courage, he allowed the expectations of the people to languiſh, without attempting any conſiderable undertaking. CHAP. LXX. 1685.

WHILE Monmouth, by his imprudent and miſplaced caution, was thus waſting time in the Weſt, the king employed himſelf in making preparations to oppoſe him. Six regiments of Britiſh troops were called over from Holland: The army was conſiderably augmented: And regular forces, to the number of 3000 men, were diſpatched under the command of Feverſham and Churchill, in order to check the progreſs of the rebels.

MONMOUTH, obſerving that no conſiderable men joined him, finding that an inſurrection, which was projected in the city, had not taken place, and hearing that Argyle, his confederate, was already defeated and taken; ſunk into ſuch deſpondency, that he had once reſolved to withdraw himſelf, and leave his unhappy followers to their fate. His followers expreſſed more courage than their leader, and ſeemed determined to adhere to him in every fortune. The negligent diſpoſition, made by Feverſham, invited Monmouth to attack the king's army at Sedgemoor near Bridgewater; and his men in this action ſhowed what a native courage and a principle of duty, even when unaſſiſted by diſcipline, is able to perform. They threw the veteran forces into diſorder; drove them from their ground; continued the fight till their ammunition failed them; and would at laſt have obtained a victory, had not the miſconduct of Monmouth and the cowardice of Gray prevented it. After a combat of three hours the rebels gave way; and were followed with great ſlaughter. About 1500 fell in the battle and purſuit. 5th July. Monmouth defeated.

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And thus was concluded in a few weeks this enterprize, raſhly undertaken, and feebly conducted.

1685. MONMOUTH fled from the field of battle above twenty miles till his horſe ſunk under him. He then changed cloaths with a peaſant in order to conceal himſelf. The peaſant was diſcovered by the purſuers, who now redoubled the diligence of their ſearch. At laſt, the unhappy Monmouth was found, lying in the bottom of a ditch, and covered with fern: His body depreſſed with fatigue and hunger; his mind by the memory of paſt misfortunes, by the proſpect of future diſaſters. Human nature is unequal to ſuch calamitous ſituations; much more, the temper of a man, ſoftened by early proſperity, and accuſtomed to value himſelf ſolely on military bravery. He burſt into tears when ſeized by his enemies; and he ſeemed ſtill to indulge the fond hope and deſire of life. Though he might have known, from the greatneſs of his own offences, and the ſeverity of James's temper, that no mercy could be expected, he wrote him the moſt ſubmiſſive letters, and conjured him to ſpare the iſſue of a brother, who had ever been ſo ſtrongly attached to his intereſt. James, finding ſuch ſymptoms of depreſſion and deſpondency in the unhappy priſoner, admitted him to his preſence, in hopes of extorting a diſcovery of his accomplices: But Monmouth would not purchaſe life, however loved, at the price of ſo much infamy. Finding all efforts vain, he aſſumed courage from deſpair, and prepared himſelf for death, with a ſpirit, better ſuited to his rank and character. This favourite of the people was attended to the ſcaffold with a plentiful effuſion of tears.

and executed. 15th July. He warned the executioner not to fall into the error, which he had committed in beheading Ruſſel, where it had been neceſſary to repeat the blow. This precaution ſerved only to diſmay the executioner. He ſtruck a feeble blow

blow on Monmouth, who raiſed his head from the block, and looked him in the face, as if reproaching him for his failure. He gently laid down his head a ſecond time; and the executioner ſtruck him again and again to no purpoſe. He then threw aſide the ax, and cried out that he was incapable of finiſhing the bloody office. The ſheriff obliged him to renew the attempt; and at two blows more the head was ſevered from the body. CHAP. LXX. 1685.

THUS periſhed in the thirty-ſixth year of his age a nobleman, who, in leſs turbulent times, was well qualified to be an ornament of the court, even to be ſerviceable to his country. The favour of his prince, the careſſes of faction, and the allurements of popularity, ſeduced him into enterprizes, which exceeded his capacity. The good-will of the people ſtill followed him in every fortune. Even after his execution, their fond credulity flattered them with hopes of ſeeing him once more at their head. They believed, that the perſon executed was not Monmouth, but one, who, having the fortune to reſemble him nearly, was willing to give this proof of his extreme attachment, and to ſuffer death in his ſtead.

THIS victory, obtained by the king in the commencement of his reign, would naturally, had it been managed with prudence, have tended much to encreaſe his power and authority. But by reaſon of the cruelty, with which it was proſecuted, and of the temerity, with which it afterwards inſpired him, it was a principal cauſe of his ſudden ruin and downfall.

SUCH arbitrary principles had the court inſtilled into all its ſervants, that Feverſham, immediately after the victory, hanged above twenty priſoners; and was proceeding in his executions, when the biſhop of Bath and Wells warned him, that theſe unhappy men were now by law entitled to a trial, and that their execution would be deemed a real murther. This remonſtrance however did

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1685. Cruelty of colonel Kirke.

not ſtop the ſavage nature of colonel Kirke, a ſoldier of fortune, who had long ſerved at Tangiers, and had contracted, from his intercourſe with the Moors, an inhumanity leſs known in European and in free countries. At his firſt entry into Bridgewater, he hanged nineteen priſoners without the leaſt enquiry into the merits of their cauſe. As if to make ſport with death, he ordered a certain number to be executed, while he and his company ſhould drink the king's health, or the queen's, or that of chief-juſtice Jefferies. Obſerving their feet to quiver in the agonies of death, he cried that he would give them muſic to their dancing; and he immediately commanded the drums to beat and the trumpets to ſound. By way of experiment, he ordered one man to be hung up three times, queſtioning him at each interval, whether he repented of his crime: But the man obſtinately aſſerting, that, notwithſtanding the paſt, he ſtill would willingly engage in the ſame cauſe, Kirke ordered him to be hung in chains. One ſtory, commonly told of him, is memorable for the treachery, as well as barbarity, which attended it. A young maid pleaded for the life of her brother, and flung herſelf at Kirke's feet, armed with all the charms, which beauty and innocence, bathed in tears, could beſtow upon her. The tyrant was inflamed with deſire, not ſoftened into love or clemency. He promiſed to grant her requeſt, provided that ſhe, in her turn, would be equally compliant to him. The maid yielded to the conditions: But after ſhe had paſſed the night with him, the wanton ſavage, next morning, ſhowed her from the window her brother, the darling object for whom ſhe had ſacrificed her virtue, hanging on a gibbet, which he had ſecretly ordered to be there erected for the execution. Rage and deſpair and indignation took poſſeſſion of her mind, and deprived her for ever of her ſenſes. All the inhabitants of that country, innocent as well as guilty,

were

were exposed to the ravages of this barbarian. The soldiery were let loose to live at free quarters; and his own regiment, instructed by his example, and encouraged by his exhortations, distinguished themselves in a particular manner by their outrages. By way of pleasantry he used to call them *his lambs*; an appellation, which was long remembered with horror in the west of England. CHAP. LXX. 1685.

THE violent Jefferies succeeded after some interval; and showed the people, that the rigours of law might equal, if not exceed, the ravages of military tyranny. This man, who wantoned in cruelty, had already given a specimen of his character in many trials, where he presided; and he now set out with a savage joy, as to a full harvest of death and destruction. He began at Dorchester; and thirty rebels being arraigned, he exhorted them, but in vain, to save him, by their free confession, the trouble of trying them: And when twenty-nine were found guilty, he ordered them, as an additional punishment of their disobedience, to be led to immediate execution. Most of the other prisoners, terrified with this example, pleaded guilty; and no less than two hundred and ninety-two received sentence at Dorchester. Of these, eighty were executed. Exeter was the next stage of his cruelty: Two hundred and forty-three were there tried, of whom a great number were condemned and executed. He also opened his commission at Taunton and Wells; and every where carried consternation along with him. The juries were so struck with his menaces, that they gave their verdict with precipitation; and many innocent persons, it is said, were involved with the guilty. And on the whole, besides those who were butchered by the military commanders, two hundred and fifty-one are computed to have fallen by the hand of justice. The whole country was strowed with the heads and limbs of traitors. Every village almost beheld the dead carcass of a wretched

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a wretched inhabitant. And all the rigours of juſtice, unabated by any appearance of clemency, were fully diſplayed to the people by the inhuman Jefferies.

Of all the executions, during this diſmal period, the moſt remarkable were thoſe of Mrs. Gaunt and lady Liſle, who had been accuſed of harbouring traitors. Mrs. Gaunt was an anabaptiſt, noted for her beneficence, which ſhe extended to perſons of all profeſſions and perſuaſions. One of the rebels, knowing her humane diſpoſition, had recourſe to her in his diſtreſs, and was concealed by her. Hearing of the proclamation, which offered an indemnity and rewards to ſuch as diſcovered criminals, he betrayed his benefactreſs, and bore evidence againſt her. He received a pardon as a recompence for his treachery; ſhe was burned alive for her charity.

Lady Liſle was widow of one of the regicides, who had enjoyed great favour and authority under Cromwel, and who having fled, after the reſtoration, to Lauzanne in Swiſſerland, was there aſſaſſinated by three Iriſh ruffians, who hoped to make their fortune by this piece of ſervice. His widow was now proſecuted for harbouring two rebels the day after the battle of Sedgemoor; and Jefferies puſhed on the trial with an unrelenting violence. In vain did the aged priſoner plead, that theſe criminals had been put into no proclamation; had been convicted by no verdict; nor could any man be denominated a traitor, till the ſentence of ſome legal court was paſſed upon him: That it appeared not by any proof, that ſhe was ſo much as acquainted with the guilt of the perſons, or had heard of their joining the rebellion of Monmouth; That though ſhe might be obnoxious on account of her family, it was well known, that her heart was ever loyal, and that no perſon in England had ſhed more tears for that tragical event, in which her huſband had unfortunately borne too great a ſhare: And that the ſame principles,

ciples, which she herself had ever embraced, she had carefully instilled into her son, and had, at that very time, sent him to fight against those rebels, whom she was now accused of harbouring. Though these arguments did not move Jefferies, they had influence on the jury. Twice they seemed inclined to bring in a favourable verdict: They were as often sent back with menaces and reproaches; and at last were constrained to give sentence against the prisoner. Notwithstanding all applications for pardon, the cruel sentence was executed. The king said, that he had given Jefferies a promise not to pardon her: An excuse, which could serve only to aggravate the blame against himself. CHAP. LXX. 1685.

It might have been hoped, that, by all these bloody executions, a rebellion, so precipitate, so ill supported, and of such short duration, would have been sufficiently expiated: But nothing could satiate the spirit of rigour, which possessed the administration. Even those multitudes, who received pardon, were obliged to atone for their guilt by fines, which reduced them to beggary; or where their former poverty made them incapable of paying, they were condemned to cruel whippings or severe imprisonments. Nor could the innocent escape the hands, no less rapacious than cruel, of the chief justice. Prideaux, a gentleman of Devonshire, being thrown into prison, and dreading the severe and arbitrary spirit, which at that time met with no controul, was obliged to buy his liberty of Jefferies at the price of fifteen thousand pounds; though he could never so much as learn the crime of which he was accused.

Goodenough, the seditious under-sheriff of London, who had been engaged in the most bloody and desperate part of the Rye-house conspiracy, was taken prisoner after the battle of Sedgemoor, and resolved to save his own life, by an accusation of Cornish, the sheriff, whom he knew

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knew to be extremely obnoxious to the court. Colonel Rumsey joined him in the accusation; and the prosecution was so hastened, that the prisoner was tried, condemned, and executed in the space of a week. The perjury of the witnesses appeared immediately after; and the king seemed to regret the execution of Cornish. He granted his estate to his family, and condemned the witnesses to perpetual imprisonment.

THE injustice of this sentence against Cornish, was not wanted to disgust the nation with the court: The continued rigour of the other executions had already impressed an universal hatred against the ministers of justice, attended with compassion for the unhappy sufferers, who, as they had been seduced into this crime by mistaken principles, bore their punishment with the spirit and zeal of martyrs. The people might have been willing on this occasion to distinguish between the king and his ministers: But care was taken to prove, that the latter had done nothing but what was agreeable to their master. Jefferies, on his return, was immediately, for those eminent services, created a peer; and was soon after vested with the dignity of chancellor. It is pretended, however, with some appearance of authority, that the king was displeased with these cruelties, and put a stop to them by orders, as soon as proper information of them was conveyed to him[a].

State of affairs in Scotland.

WE must now take a view of the state of affairs in Scotland; where the fate of Argyle had been decided before that of Monmouth. Immediately after the king's accession, a parliament had been summoned at Edinburgh; and all affairs were there conducted by the duke of Queensberry the commissioner, and the earl of Perth chancellor. The former had resolved to make an entire surrender of the liberties of his country; but was determined still to

[a] Life of lord keeper North, p. 260. K. James's Memoirs, p. 144.

adhere

adhere to its religion: The latter entertained no ſcruple of paying court even by the ſacrifice of both. But no courtier, even the moſt proſtitute, could go farther than the parliament itſelf towards a reſignation of their liberties. In a vote, which they called an offer of duty, after adopting the fabulous hiſtory of a hundred and eleven Scottiſh monarchs, they acknowledged, that all theſe princes, by the primary and fundamental law of the ſtate, had been veſted with a *ſolid* and *abſolute* authority. They declared their abhorrence of all principles and poſitions, derogatory to the king's ſacred, ſupreme, ſovereign, abſolute power, of which none, they ſaid, whether ſingle perſons or collective bodies, can participate, but in dependance on him and by commiſſion from him. They promiſed, that the whole nation, between ſixteen and ſixty, ſhall be in readineſs for his majeſty's ſervice, where and as oft as it ſhall be his royal pleaſure to require them. And they annexed the whole exciſe, both of inland and foreign commodities, for ever to the crown. CHAP. LXX. 1685.

ALL the other acts of this aſſembly ſavoured of the ſame ſpirit. They declared it treaſon for any perſon to refuſe the teſt, if tendered by the council. To defend the obligation of the covenant, ſubjected a perſon to the ſame penalty. To be preſent at any conventicle, was made puniſhable with death and confiſcation of moveables. Even ſuch as refuſed to give teſtimony, either in caſes of treaſon or nonconformity, were declared equally puniſhable as if guilty of thoſe very crimes: An excellent prelude to all the rigours of an inquiſition. It muſt be confeſſed, that nothing could equal the abject ſervility of the Scottiſh nation during this period but the arbitrary ſeverity of the adminiſtration.

IT was in vain, that Argyle ſummoned a people, ſo loſt to all ſenſe of liberty, ſo degraded by repeated indignities, to riſe in vindication of their violated laws and privileges. Argyle's invaſion.

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privileges. Even those who declared for him, were, for the greater part, his own vassals; men, who, if possible, were still more sunk in slavery than the rest of the nation. He arrived, after a prosperous voyage, in Argyleshire, attended by some fugitives from Holland; among the rest, by Sir Patric Hume, a man of mild dispositions, who had been driven to this extremity by a continued train of oppression. The privy council was beforehand apprized of Argyle's intentions. The whole militia of the kingdom, to the number of twenty-two thousand men, were already in arms; and a third part of them, with the regular forces, were on their march to oppose him. All the considerable gentry of his clan were thrown into prison. And two ships of war were on the coast to watch his motions. Under all these discouragements he yet made a shift, partly from terror, partly from affection, to collect and arm a body of about two thousand five hundred men; but soon found himself surrounded on all sides with insuperable difficulties. His arms and ammunition were seized: His provisions cut off: The marques of Athole pressed him on one side; lord Charles Murray on another; the duke of Gordon hung upon his rear; the earl of Dunbarton met him in front. His followers daily fell off from him; but Argyle, resolute to persevere, broke at last with the shattered remains of his troops into the disaffected part of the Low Countries, which he had endeavoured to allure to him by declarations for the covenant. No one showed either courage or inclination to join him; and his small and still decreasing army, after wandering about for a little time, was at last defeated and dissipated without an enemy. Argyle himself was seized and carried to Edinburgh; where, after enduring many indignities with a gallant spirit, he was publicly executed. He suffered on the former unjust sentence, which had been passed upon him.

defeat,

and execution.

The

The reſt of his followers either eſcaped or were puniſhed by tranſportation: Rumbold and Ayloffe, two Engliſhmen, who had attended Argyle on this expedition, were executed. CHAP. LXX. 1685.

THE king was ſo elated with this continued tide of proſperity that he began to undervalue even an Engliſh parliament, at all times formidable to his family; and from his ſpeech to that aſſembly, which he had aſſembled early in the winter, he ſeems to have thought himſelf exempted from all rules of prudence or neceſſity of diſſimulation. He plainly told the two houſes, that the militia, which had formerly been ſo much magnified, was now found, by experience in the laſt rebellion, to be altogether uſeleſs; and he required a new ſupply, in order to maintain thoſe additional forces, which he had levied. He alſo took notice, that he had employed a great many catholic officers, and that he had, in their favour, diſpenſed with the law, requiring the teſt to be taken by every one that poſſeſſed any public office. And to cut ſhort all oppoſition, he declared, that, having reaped the benefit of their ſervice during ſuch times of danger, he was determined, neither to expoſe them afterwards to diſgrace, nor himſelf, in caſe of another rebellion, to the want of their aſſiſtance. 9th Nov. A parliament.

SUCH violent averſion did this parliament bear to oppoſition; ſo great dread had been inſtilled of the conſequences attending any breach with the king; that it is probable, had he uſed his diſpenſing power without declaring it, no enquiries would have been made, and time might have reconciled the nation to this dangerous exerciſe of prerogative. But to invade at once their conſtitution, to threaten their religion, to eſtabliſh a ſtanding army, and even to require them, by their concurrence, to contribute towards all theſe meaſures, exceeded the bounds of their patience; and they began, for the firſt time,

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time, to display some small remains of English spirit and generosity. When the king's speech was taken into consideration by the commons, many severe reflections were thrown out against the present measures; and the house was with seeming difficulty engaged to promise in a general vote, that they would grant some supply. But instead of finishing that business, which could alone render them acceptable to the king, they proceeded to examine the dispensing power; and they voted an address to the king against it. Before this address was presented, they resumed the consideration of the supply; and as one million two hundred thousand pounds were demanded by the court, and two hundred thousand proposed by the country-party, a middle course was chosen, and seven hundred thousand, after some dispute, were at last voted. The address against the dispensing power was expressed in the most respectful and submissive terms; yet was it very ill received by the king, and his answer contained a flat denial, uttered with great warmth and vehemence. The commons were so daunted with this reply, that they kept silence a long time; and when Coke, member for Derby, rose up and said, "I hope we are all Englishmen, "and not to be frightened with a few hard words;" so little spirit appeared in that assembly, often so refractory and mutinous, that they sent him to the Tower for bluntly expressing a free and generous sentiment. They adjourned, without fixing a day for the consideration of his majesty's answer; and on their next meeting, they submissively proceeded to the consideration of the supply, and even went so far as to establish funds for paying the sum voted, in nine years and a half. The king, therefore, had in effect, almost without contest or violence, obtained a complete victory over the commons; and that assembly, instead of guarding their liberties, now exposed to manifest peril, conferred an additional revenue on the crown;

crown; and by rendering the king in some degree independent, contributed to increase those dangers, with which they had so much reason to be alarmed. CHAP. LXX. 1685.

THE next opposition came from the house of peers, which has not commonly taken the lead on these occasions; and even from the bench of bishops, where the court usually expects the greatest complaisance and submission. The upper house had been brought, in the first days of the session, to give general thanks for the king's speech; by which compliment they were understood, according to the practice of that time, to have acquiesced in every part of it: Yet notwithstanding that step, Compton, bishop of London, in his own name and that of his brethren, moved that a day should be appointed for taking the speech into consideration: He was seconded by Halifax, Nottingham, and Mordaunt. Jefferies, the chancellor, opposed the motion; and seemed inclined to use in that house the same arrogance, to which on the bench he had so long been accustomed: But he was soon taught to know his place; and he proved, by his behaviour, that insolence, when checked, naturally sinks into meanness and cowardice. The bishop of London's motion prevailed.

THE king might reasonably have presumed, that, even if the peers should so far resume courage as to make an application against his dispensing power, the same steddy answer, which he had given to the commons, would make them relapse into the same timidity; and he might by that means have obtained a considerable supply, without making any concessions in return. But so imperious was his temper, so lofty the idea which he had entertained of his own authority, and so violent the schemes suggested by his own bigotry and that of his priests; that, without any delay, without waiting for any farther provocation, he immediately proceeded to a prorogation.

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1685. He continued the parliament during a year and a half by four more prorogations; but having in vain tried by ſeparate applications, to break the obſtinacy of the leading members, he at laſt diſſolved that aſſembly. And as it was plainly impoſſible for him to find among his proteſtant ſubjects a ſet of men more devoted to royal authority, it was univerſally concluded, that he intended thenceforth to govern entirely without parliaments.

NEVER king mounted the throne of England with greater advantages than James; nay, poſſeſſed greater facility, if that were any advantage, of rendering himſelf and his poſterity abſolute: But all theſe fortunate circumſtances tended only, by his own miſconduct, to bring more ſudden ruin upon him. The nation ſeemed diſpoſed of themſelves to reſign their liberties, had he not, at the ſame time, made an attempt upon their religion: And he might even have ſucceeded in ſurmounting at once their liberties and religion, had he conducted his ſchemes with common prudence and diſcretion. Openly to declare to the parliament, ſo early in his reign, his intention to diſpenſe with the teſts, ſtruck an univerſal alarm throughout the nation; infuſed terror into the church, which had hitherto been the chief ſupport of monarchy; and even diſguſted the army, by whoſe means alone he could now purpoſe to govern. The former horror againſt popery was revived by polemical books and ſermons; and in every diſpute the victory ſeemed to be gained by the proteſtant divines, who were heard with more favourable ears, and who managed the controverſy with more learning and eloquence. But another incident happened at this time, which tended mightily to excite the animoſity of the nation againſt the catholic communion.

LEWIS XIV. having long haraſſed and moleſted the proteſtants, at laſt revoked entirely the edict of Nantz; which

which had been enacted by Harry IV. for ſecuring them the free exerciſe of their religion; which had been declared irrevocable; and which during the experience of near a century, had been attended with no ſenſible inconvenience. All the iniquities, inſeparable from perſecution, were exerciſed againſt thoſe unhappy religioniſts; who became obſtinate in proportion to the oppreſſions which they ſuffered, and either covered under a feigned converſion a more violent abhorrence of the catholic communion, or ſought among foreign nations for that liberty, of which they were bereaved in their native country. Above half a million of the moſt uſeful and induſtrious ſubjects deſerted France; and exported, together with immenſe ſums of money, thoſe arts and manufactures, which had chiefly tended to enrich that kingdom. They propagated every where the moſt tragical accounts of the tyranny, exerciſed againſt them, and revived among the proteſtants all that reſentment againſt the bloody and perſecuting ſpirit of popery, to which ſo many incidents in all ages had given too much foundation. Near fifty thouſand refugees paſſed over into England; and all men were diſpoſed, from their repreſentations, to entertain the utmoſt horror againſt the projects, which they apprehended to be formed by the king for the abolition of the proteſtant religion. When a prince of ſo much humanity and of ſuch ſignal prudence as Lewis could be engaged, by the bigotry of his religion alone, without any provocation, to embrace ſuch ſanguinary and impolitic meaſures; what might be dreaded, they aſked, from James, who was ſo much inferior in theſe virtues, and who had already been irritated by ſuch obſtinate and violent oppoſition? In vain did the king affect to throw the higheſt blame on the perſecutions in France: In vain did he afford the moſt real protection and aſſiſtance to the diſtreſſed Hugonots. All theſe ſymptoms of toleration

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CHAP. LXX. 1685. were regarded as insidious; opposite to the avowed principles of his sect, and belied by the severe administration, which he himself had exercised against the nonconformists in Scotland.

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Dispensing power.

IT could not be expected, that the lawyers, appointed to plead against Hales, would exert great force on that occasion: But the cause was regarded with such anxiety by the public, that it has been thoroughly canvassed in several elaborate discourses [a]; and could men divest themselves of prejudice, there want not sufficient materials, on which to form a true judgment. The claim and exercise of the dispensing power is allowed to be very ancient in England; and though it seems at first to have

[a] Particularly Sir Edward Herbert's defence in the state trials, and Sir Robert Atkins's enquiry concerning the dispensing power.

been

been copied from papal uſurpations, it may plainly be traced up as high as the reign of Henry III. In the feudal governments, men were more anxious to ſecure their private property than to ſhare in the public adminiſtration; and provided no innovations were attempted on their rights and poſſeſſions, the care of executing the laws, and enſuring general ſafety was without jealouſy entruſted to the ſovereign. Penal ſtatutes were commonly intended to arm the prince with more authority for that purpoſe; and being in the main calculated for promoting his influence as firſt magiſtrate, there ſeemed no danger in allowing him to diſpenſe with their execution, in ſuch particular caſes as might require an exception or indulgence. That practice had ſo much prevailed, that the parliament itſelf had more than once acknowledged this prerogative of the crown; particularly during the reign of Henry V. when they enacted the law againſt aliens [b], and alſo when they paſſed the ſtatute of proviſors [c]. But though the general tenor of the penal ſtatutes was ſuch as gave the king a ſuperior intereſt in their execution beyond any of his ſubjects; it could not but ſometimes happen in a mixed government, that the parliament would deſire to enact laws, by which the regal power, in ſome particulars, even where private property was not immediately concerned, might be regulated and reſtrained. In the twenty-third of Henry VI. a law of this kind was enacted, prohibiting any man from ſerving in a county as ſheriff above a year; and a clauſe was inſerted, by which the king was diſabled from granting a diſpenſation. Plain reaſon might have taught, that this law,

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[b] Rot. parl. 1 Hen. V. n. xv. [c] Ibid. 1 Hen. V. n. xxii. It is remarkable, however, that in the reign of Richard the Second, the parliament granted the king only a temporary power of diſpenſing with the ſtatute of proviſors. Rot. parl. 15 Rich. II. n. i. A plain implication that he had not, of himſelf, ſuch prerogative. So uncertain were many of theſe points at that time.

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at leaſt, ſhould be exempted from the king's prerogative: But as the diſpenſing power ſtill prevailed in other caſes, it was ſoon able, aided by the ſervility of the courts of judicature, even to overpower this ſtatute, which the legiſlature had evidently intended to ſecure againſt violation. In the reign of Henry VII. the caſe was brought to a trial before all the judges in the exchequer-chamber; and it was decreed, that, notwithſtanding the ſtrict clauſe abovementioned, the king might diſpenſe with the ſtatute: He could firſt, it was alleged, diſpenſe with the prohibitory clauſe, and then with the ſtatute itſelf. This opinion of the judges, though ſeemingly abſurd, had ever ſince paſſed for undoubted law: The practice of continuing the ſheriffs had prevailed: And moſt of the property in England had been fixed by deciſions, which juries, returned by ſuch ſheriffs, had given in the courts of judicature. Many other diſpenſations of a like nature may be produced; not only ſuch as took place by intervals, but ſuch as were uniformly continued. Thus the law was diſpenſed with, which prohibited any man from going a judge of aſſize into his own county; that which rendered all Welchmen incapable of bearing offices in Wales; and that which required every one, who received a pardon for felony, to find ſureties for his good behaviour. In the ſecond of James I. a new conſultation of all the judges had been held upon a like queſtion: This prerogative of the crown was again unanimouſly affirmed[d]; And it became an eſtabliſhed principle in Engliſh juriſprudence, that, though the king could not allow of what was morally unlawful, he could permit what was only prohibited by poſitive ſtatute. Even the jealous houſe of commons, who extorted the petition of right from Charles I. made no ſcruple, by the mouth of Glanville, their manager, to allow of the diſpenſing power in

[d] Sir Edward Coke's reports, ſeventh report.

its full extent[e]; and in the famous trial of ship-money, Holborne, the popular lawyer, had, freely, and in the most explicit terms, made the same concession[f]. Sir Edward Coke, the great oracle of English law, had not only concurred with all other lawyers in favour of this prerogative; but seems even to believe it so inherent in the crown, that an act of parliament itself could not abolish it[g]. And he particularly observes, that no law can impose such a disability of enjoying offices as the king may not dispense with; because the king, from the law of nature, has a right to the service of all his subjects. This particular reason, as well as all the general principles, is applicable to the question of the tests; nor can the dangerous consequence of granting dispensations in that case be ever allowed to be pleaded before a court of judicature. Every prerogative of the crown, it may be said, admits of abuse: Should the king pardon all criminals, law must be totally dissolved: Should he declare and continue perpetual war against all nations, inevitable ruin must ensue: Yet these powers are entrusted to the sovereign; and we must be content, as our ancestors were, to depend upon his prudence and discretion in the exercise of them.

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THOUGH this reasoning seems founded on such principles as are usually admitted by lawyers, the people had entertained such violent prepossessions against the use, which James here made of his prerogative, that he was obliged, before he brought on Hales's cause, to displace four of the judges, Jones, Montague, Charleton and Nevil; and even Sir Edward Herbert, the chief justice, though a man of acknowledged virtue, yet, because he here supported the pretensions of the crown, was exposed

[e] State Trials, vol. vii. first edit. p. 205. Parl. hist. vol. viii. p. 132.
[f] State trials, vol. v. first edit. p. 171.
[g] Sir Edward Coke's reports, twelfth report, p. 18.

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to great and general reproach. Men deemed a dispensing, to be in effect the same with a repealing power; and they could not conceive, that less authority was necessary to repeal than to enact any statute. If one penal law was dispensed with, any other might undergo the same fate: And by what principle could even the laws, which define property, be afterwards secured from violation? The test act had ever been conceived the great barrier of the established religion under a popish successor: As such it had been insisted on by the parliament; as such granted by the king; as such, during the debates with regard to the exclusion, recommended by the chancellor. By what magic, what chicane of law, is it now annihilated, and rendered of no validity? These questions were every where asked; and men, straitened by precedents and decisions of great authority, were reduced either to question the antiquity of this prerogative itself, or to assert, that even the practice of near five centuries could not bestow on it sufficient authority [h]. It was not considered, that the present difficulty or seeming absurdity had proceeded from late innovations introduced into the government. Ever since the beginning of this century, the parliament had, with a laudable zeal, been acquiring powers and establishing principles, favourable to law and liberty: The authority of the crown had been limited in many important particulars: And penal statutes were often calculated to secure the constitution against the attempts of ministers, as well as to preserve general peace, and repress crimes and immoralities. A prerogative however, derived from very ancient, and almost uniform practice, the dispensing power, still remained, or was supposed to remain with the crown; sufficient in an instant to overturn this whole fabric, and to throw down all fences of the constitution. If this prerogative,

[h] Sir Robert Atkins, p. 21.

which

which carries on the face of it, such strong symptoms of an absolute authority in the prince, had yet, in ancient times, subsisted with some degree of liberty in the subject; this fact only proves, that scarcely any human government, much less one erected in rude and barbarous times, is entirely consistent and uniform in all its parts. But to expect, that the dispensing power could, in any degree, be rendered compatible with those accurate and regular limitations, which had of late been established, and which the people were determined to maintain, was a vain hope; and though men knew not upon what principles they could deny that prerogative, they saw, that, if they would preserve their laws and constitution, there was an absolute necessity for denying, at least for abolishing it. The revolution alone, which soon succeeded, happily put an end to all these disputes: By means of it, a more uniform edifice was at last erected: The monstrous inconsistence, so visible between the ancient Gothic parts of the fabric and the recent plans of liberty, was fully corrected: And to their mutual felicity, king and people were finally taught to know their proper boundaries [1].

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[1] It is remarkable, that the convention, summoned by the prince of Orange, did not, even when they had the making of their own terms in *the declaration of rights*, venture to condemn the dispensing power in general, which had been uniformly exercised by the former kings of England. They only condemned it so far, *as it had been assumed and exercised of late*, without being able to tell wherein the difference lay. But in the *bill of rights*, which passed about a twelvemonth after, the parliament took care to secure themselves more effectually against a branch of prerogative, incompatible with all legal liberty and limitations; and they excluded, in positive terms, all dispensing power in the crown. Yet even then the house of lords rejected that clause of the bill, which condemned the exercise of this power in former kings, and obliged the commons to rest content with abolishing it for the future. There needs no other proof of the irregular nature of the old English government, than the existence of such a prerogative, always exercised and never questioned, till the acquisition of real liberty discovered, at last, the danger of it. See the Journals.

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WHATEVER topics lawyers might find to defend James's dispensing power, the nation thought it dangerous, if not fatal, to liberty; and his resolution of exercising it may on that account be esteemed no less alarming, than if the power had been founded on the most recent and most flagrant usurpation. It was not likely, that an authority, which had been assumed, through so many obstacles, would in his hands lie long idle and unemployed. Four catholic lords were brought into the privy council, Powis, Arundel, Bellasis, and Dover. Halifax, finding, that, notwithstanding his past merits, he possessed no real credit or authority, became refractory in his opposition; and his office of privy seal was given to Arunde. The king was open, as well as zealous, in the desire of making converts; and men plainly saw, that the only way to acquire his affection and confidence was by a sacrifice of their religion. Sunderland, some time after, scrupled not to gain favour at this price. Rochester, the treasurer, though the king's brother-in-law, yet, because he refused to give this instance of complaisance, was turned out of his office: The treasury was put in commission, and Bellasis was placed at the head of it. All the courtiers were disgusted, even such as had little regard to religion. The dishonour, as well as distrust, attending renegades, made most men resolve, at all hazards, to adhere to their ancient faith.

State of Scotland.

IN Scotand, James's zeal for proselytism was more successful. The earls of Murray, Perth, and Melfort were brought over to the court religion; and the two latter noblemen made use of a very courtly reason for their conversion They pretended, that the papers, found in the late king's cabinet, had opened their eyes, and had convinced them of the preference due to the catholic religion. Queensberry, who showed not the same complaisance, fell into total disgrace, notwithstanding his former

former ſervices, and the important ſacrifices, which he had made to the meaſures of the court. Theſe merits could not even enſure him of ſafety againſt the vengeance, to which he ſtood expoſed. His rival, Perth, who had been ready to ſink under his ſuperior intereſt, now acquired the aſcendant; and all the complaints, exhibited againſt him, were totally obliterated. His faith, according to a ſaying of Halifax, had made him whole. CHAP. LXX. 1686.

State of Ireland.

But it was in Ireland chiefly, that the maſk was wholly taken off, and that the king thought himſelf at liberty to proceed, to the full extent of his zeal and his violence. The duke of Ormond was recalled; and though the primate and lord Granard, two proteſtants, ſtill poſſeſſed the authority of juſtices, the whole power was lodged in the hands of Talbot, the general, ſoon after created earl of Tyrconnel; a man, who, from the blindneſs of his prejudices and fury of his temper, was tranſported with the moſt immeaſurable ardour for the catholic cauſe. After the ſuppreſſion of Monmouth's rebellion, orders were given by Tyrconnel to diſarm all the proteſtants, on pretence of ſecuring the public peace, and keeping their arms in a few magazines for the uſe of the militia. Next, the army was new-modelled; and a great number of officers were diſmiſſed, becauſe it was pretended, that they or their fathers had ſerved under Cromwel and the republic. The injuſtice was not confined to them. Near three hundred officers more were afterwards broken, though many of them had purchaſed their commiſſions: About four or five thouſand private ſoldiers, becauſe they were proteſtants, were diſmiſſed; and being ſtripped even of their regimentals, were turned out to ſtarve in the ſtreets. While theſe violences were carrying on, Clarendon, who had been named lord lieutenant, came over; but he ſoon found, that, as he had refuſed to give the king the deſired pledge of fidelity,

by

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by changing his religion, he poſſeſſed no credit or authority. He was even a kind of priſoner in the hands of Tyrconnel; and as he gave all oppoſition in his power to the precipitate meaſures of the catholics, he was ſoon after recalled, and Tyrconnel ſubſtituted in his place. The unhappy proteſtants now ſaw all the civil authority, as well as the military force, transferred into the hands of their inveterate enemies; inflamed with hereditary hatred, and ſtimulated by every motive, which the paſſion either for power, property, or religion could inſpire. Even the barbarous banditti were let looſe to prey on them in their preſent defenceleſs condition. A renewal of the ancient maſſacres was apprehended; and great multitudes, ſtruck with the beſt grounded terror, deſerted the kingdom, and infuſed into the Engliſh nation a dread of thoſe violences, to which, after ſome time, they might juſtly, from the prevalence of the catholics, think themſelves expoſed.

ALL judicious perſons of the catholic communion were diſguſted with theſe violent meaſures, and could eaſily foreſee the conſequences. But James was entirely governed by the raſh counſels of the queen and of his confeſſor, father Peters, a jeſuit, whom he ſoon after created a privy counſellor. He thought too, that, as he was now in the decline of life, it was neceſſary for him, by haſty ſteps, to carry his deſigns into execution; leſt the ſucceſſion of the princeſs of Orange ſhould overturn all his projects. In vain did Arundel, Powis, and Bellaſis remonſtrate, and ſuggeſt more moderate and cautious meaſures. Theſe men had ſeen and felt, during the proſecution of the popiſh plot, the extreme antipathy, which the nation bore to their religion; and though ſome ſubſequent incidents had ſeemingly allayed that ſpirit, they knew, that the ſettled habits of the people were ſtill the ſame, and that the ſmalleſt incident was ſufficient to

renew

renew the former animosity. A very moderate indulgence, therefore, to the catholic religion would have satisfied them; and all attempts to acquire power, much more to produce a change of the national faith, they deemed dangerous and destructive [a].

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Breach betwixt the king and the church.

On the first broaching of the popish plot, the clergy of the church of England had concurred in the prosecution of it, with the same violence and credulity as the rest of the nation: But dreading afterwards the prevalence of republican and presbyterian principles, they had been engaged to support the measures of the court; and to their assistance chiefly, James had owed his succession to the crown. Finding that all these services were forgotten, and that the catholic religion was the king's sole favourite, the church had commenced an opposition to court measures; and popery was now acknowledged the more immediate danger. In order to prevent inflammatory sermons on this popular subject, James revived some directions to preachers, which had been promulgated by the late king, in the beginning of his reign, when no design against the national religion was yet formed, or at least apprehended. But in the present delicate and interesting situation of the church, there was little reason to expect that orders, founded on no legal authority, would be rigidly obeyed by preachers, who saw no security to themselves but in preserving the confidence and regard of the people. Instead of avoiding controversy, according to the king's injunctions, the preachers every where declaimed against popery; and among the rest, Dr. Sharpe, a clergyman of London, particularly distinguished himself, and affected to throw great contempt on those who had been induced to change their religion by such pitiful arguments as the Romish missionaries could suggest. This topic, being supposed to reflect on the king, gave great offence at court; and positive orders were issued to the

[a] D'Avaux, 10 January, 1687.

bishop

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biſhop of London, his dioceſan, immediately to ſuſpend Sharpe, till his majeſty's pleaſure ſhould be farther known. The prelate replied, that he could not poſſibly obey theſe commands, and that he was not empowered, in ſuch a ſummary manner, to inflict any puniſhment even upon the greateſt delinquent. But neither this obvious reaſon, nor the moſt dutiful ſubmiſſions, both of the prelate and of Sharpe himſelf, could appeaſe the court. The king was determined to proceed with violence in the proſecution of this affair. The biſhop himſelf he reſolved to puniſh for diſobedience to his commands; and the expedient, which he employed for that purpoſe, was of a nature at once the moſt illegal and moſt alarming.

Court of eccleſiaſtical commiſſion.

AMONG all the engines of authority formerly employed by the crown, none had been more dangerous or even deſtructive to liberty, than the court of high commiſſion, which, together with the ſtar-chamber, had been aboliſhed in the reign of Charles I. by act of parliament; in which a clauſe was alſo inſerted, prohibiting the erection, in all future times, of that court, or any of a like nature. But this law was deemed by James no obſtacle; and an eccleſiaſtical commiſſion was anew iſſued, by which ſeven[k] commiſſioners were veſted with full and unlimited authority over the church of England. On them were beſtowed the ſame inquiſitorial powers, poſſeſſed by the former court of high commiſſion: They might proceed upon bare ſuſpicion; and the better to ſet the law at defiance, it was expreſsly inſerted in their patent itſelf, that they were to exerciſe their juriſdiction, notwithſtanding any law or ſtatute to the contrary.

[k] The perſons named were the archbiſhop of Canterbury, Sancroft; the biſhop of Durham, Crew; of Rocheſter, Sprat; the earl of Rocheſter, Sunderland, chancellor Jefferies, and lord chief juſtice Herbert. The archbiſhop refuſed to act, and the biſhop of Cheſter was ſubſtituted in his place.

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The king's design to subdue the church was now sufficiently known; and had he been able to establish the authority of this new-erected court, his success was infallible. A more sensible blow could not be given both to national liberty and religion; and happily the contest could not be tried in a cause more iniquitous and unpopular than that against Sharpe and the bishop of London. 1686.

THE prelate was cited before the commissioners. After denying the legality of the court, and claiming the privilege of all Christian bishops to be tried by the metropolitan and his suffragans; he pleaded in his own defence, that, as he was obliged, if he had suspended Sharpe, to act in the capacity of a judge, he could not, consistent either with law or equity, pronounce sentence without a previous citation and trial: That he had by petition represented this difficulty to his majesty; and not receiving any answer, he had reason to think, that his petition had given entire satisfaction: That in order to shew farther his deference, he had advised Sharpe to abstain from preaching, till he had justified his conduct to the king; an advice, which, coming from a superior, was equivalent to a command, and had accordingly met with the proper obedience: That he had thus in his apprehension conformed himself to his majesty's pleasure; but if he should still be found wanting to his duty in any particular, he was now willing to crave pardon, and to make reparation. All this submission, both in Sharpe and the prelate, had no effect: It was determined to have an example: Orders were accordingly sent to the commissioners to proceed: And by a majority of votes the bishop, as well as the doctor, was suspended.

Sentence against the bishop of London.

ALMOST the whole of this short reign consists of attempts always imprudent, often illegal, sometimes both, against whatever was most loved and revered by the nation:

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nation: Even ſuch ſchemes of the king's as might be laudable in themſelves, were ſo diſgraced by his intentions, that they ſerve only to aggravate the charge againſt him. James was become a great patron of toleration, and an enemy to all thoſe perſecuting laws, which, from the influence of the church, had been enacted both againſt the diſſenters and catholics. Not content with granting diſpenſations to particular perſons, he aſſumed a power of iſſuing a declaration of general indulgence, and of ſuſpending at once all the penal ſtatutes, by which a conformity was required to the eſtabliſhed religion. This was a ſtrain of authority, it muſt be confeſſed, quite inconſiſtent with law and a limited conſtitution; yet was it ſupported by many ſtrong precedents in the hiſtory of England. Even after the principles of liberty were become more prevalent, and began to be well underſtood, the late king had, oftener than once, and without giving much umbrage, exerted this dangerous power: He had in 1662 ſuſpended the execution of a law, which regulated carriages: During the two Dutch wars, he had twice ſuſpended the act of navigation: And the commons in 1666, being reſolved, contrary to the king's judgment, to enact that iniquitous law againſt the importation of Iriſh cattle, found it neceſſary, in order to obviate the exerciſe of this prerogative, which they deſired not at that time entirely to deny or abrogate, to call that importation a nuiſance.

Penal laws ſuſpended.

THOUGH the former authority of the ſovereign was great in civil affairs, it was ſtill greater in eccleſiaſtical; and the whole deſpotic power of the popes was often believed, in virtue of the ſupremacy, to have devolved to the crown. The laſt parliament of Charles I. by aboliſhing the power of the king and convocation to frame canons without conſent of parliament, had ſomewhat diminiſhed the ſuppoſed extent of the ſupremacy; but ſtill very con-

considerable remains of it, at least very important claims, were preserved, and were occasionally made use of by the sovereign. In 1662, Charles, pleading both the rights of his supremacy and his suspending power, had granted a general indulgence or toleration; and in 1672 he renewed the same edict: Though the remonstrances of his parliament obliged him, on both occasions, to retract; and in the last instance, the triumph of law over prerogative was deemed very great and memorable. In general, we may remark, that, where the exercise of the suspending power was agreeable and useful, the power itself was little questioned: Where the exercise was thought liable to exceptions, men not only opposed it, but proceeded to deny altogether the legality of the prerogative, on which it was founded. CHAP. LXX. 1687.

JAMES, more imprudent and arbitrary than his predecessor, issued his proclamation, suspending all the penal laws in ecclesiastical affairs, and granting a general liberty of conscience to all his subjects. He was not deterred by the reflection, both that this scheme of indulgence was already blasted by two fruitless attempts; and that in such a government as that of England, it was not sufficient that a prerogative be approved of by some lawyers and antiquaries: If it was condemned by the general voice of the nation, and yet was still exerted, the victory over national liberty was no less signal than if obtained by the most flagrant injustice and usurpation. These two considerations indeed would rather serve to recommend this project to James; who deemed himself superior in vigour and activity to his brother, and who probably thought, that his people enjoyed no liberties, but by his royal concession and indulgence.

IN order to procure a better reception for his edict of toleration, the king, finding himself opposed by the church, began to pay court to the dissenters; and he

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imagined, that, by playing one party againſt another, he ſhould eaſily obtain the victory over both; a refined policy which it much exceeded his capacity to conduct. His intentions were ſo obvious, that it was impoſſible for him ever to gain the ſincere confidence and regard of the nonconformiſts. They knew, that the genius of their religion was diametrically oppoſite to that of the catholics, the ſole object of the king's affection. They were ſenſible, that both the violence of his temper, and the maxims of his religion, were repugnant to the principles of toleration. They had ſeen, that, on his acceſſion, as well as during his brother's reign, he had courted the church at their expence; and it was not till his dangerous ſchemes were rejected by the prelates, that he had recourſe to the nonconformiſts. All his favours, therefore, muſt, to every man of judgment among the ſectaries, have appeared inſidious: Yet ſuch was the pleaſure reaped from preſent eaſe, ſuch the animoſity of the diſſenters againſt the church, who had ſo long ſubjected them to the rigours of perſecution, that they every where expreſſed the moſt entire duty to the king, and compliance with his meaſures; and could not forbear rejoicing extremely in the preſent depreſſion of their adverſaries.

But had the diſſenters been ever ſo much inclined to ſhut their eyes with regard to the king's intentions, the manner of conducting his ſcheme in Scotland was ſufficient to diſcover the ſecret. The king firſt applied to the Scottiſh parliament, and deſired an indulgence for the catholics alone, without comprehending the preſbyterians: But that aſſembly, though more diſpoſed than even the parliament of England, to ſacrifice their civil liberties, reſolved likewiſe to adhere pertinaciouſly to their religion; and they rejected for the firſt time the king's application. James therefore found himſelf obliged to exert his prerogative; and he now thought it prudent to intereſt a party

party among his subjects, besides the catholics, in supporting this act of authority. To the surprize of the harassed and persecuted presbyterians, they heard the principles of toleration every where extolled, and found that full permission was granted to attend conventicles; an offence, which, even during this reign, had been declared no less than a capital enormity. The king's declaration, however, of indulgence contained clauses, sufficient to depress their joy. As if popery were already predominant, he declared, "that he never would use "force or *invincible necessity* against any man on account "of his persuasion or the protestant religion:" A promise surely of toleration given to the protestants with great precaution, and admitting a considerable latitude for persecution and violence. It is likewise remarkable, that the king declared in express terms, "that he had "thought fit, by his sovereign authority, prerogative "royal, and *absolute* power, which all his subjects were "to obey *without reserve*, to grant this royal toleration." The dangerous designs of other princes are to be collected by a comparison of their several actions, or by a discovery of their more secret counsels: But so blinded was James with zeal, so transported by his imperious temper, that even his proclamations and public edicts contain expressions, which, without farther enquiry, may suffice to his condemnation. CHAP. LXX. 1687.

THE English well knew, that the king, by the constitution of their government, thought himself intitled, as indeed he was, to as ample authority in his southern, as in his northern kingdom; and therefore, though the declaration of indulgence published for England was more cautiously expressed, they could not but be alarmed by the arbitrary treatment, to which their neighbours were exposed. It is even remarkable, that the English declaration contained clauses of a strange import. The king

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there promiſed, that he would maintain his loving ſubjects in all their properties and poſſeſſions, as well of church and abbey lands as of any other. Men thought, that, if the full eſtabliſhment of popery were not at hand, this promiſe was quite ſuperfluous; and they concluded, that the king was ſo replete with joy on the proſpect of that glorious event, that he could not, even for a moment, refrain from expreſſing it

State of Ireland.

But what afforded the moſt alarming proſpect, was the continuance and even encreaſe of the violent and precipitate conduct of affairs in Ireland. Tyrconnel was now veſted with full authority; and carried over with him as chancellor one Fitton, a man who was taken from a jail, and who had been convicted of forgery and other crimes, but who compenſated for all his enormities by a headlong zeal for the catholic religion. He was even heard to ſay from the bench, that the proteſtants were all rogues, and that there was not one among forty thouſand that was not a traitor, a rebel, and a villain. The whole ſtrain of the adminiſtration was ſuitable to ſuch ſentiments. The catholics were put in poſſeſſion of the council table, of the courts of judicature, and of the bench of juſtices. In order to make them maſters of the parliament, the ſame violence was exerciſed that had been practiſed in England. The charters of Dublin and of all the corporations were annulled; and new charters were granted, ſubjecting the corporations to the will of the ſovereign. The proteſtant freemen were expelled, catholics introduced; and the latter ſect, as they always were the majority in number, were now inveſted with the whole power of the kingdom. The act of ſettlement was the only obſtacle to their enjoying the whole property; and Tyrconnel had formed a ſcheme for calling a parliament, in order to reverſe that act, and empower the king to beſtow all the lands of Ireland on his catholic ſubjects. But in this ſcheme he met

met with oppoſition from the moderate catholics in the king's council. Lord Bellaſis went even ſo far as to affirm with an oath, "that that fellow in Ireland was "fool and madman enough to ruin ten kingdoms." The decay of trade, from the deſertion of the proteſtants, was repreſented; the ſinking of the revenue; the alarm communicated to England: And by theſe conſiderations the king's reſolutions were for ſome time ſuſpended; though it was eaſy to foreſee, from the uſual tenor of his conduct, which ſide would at laſt preponderate. CHAP. LXX. 1687.

BUT the king was not content with diſcovering in his own kingdoms the imprudence of his conduct: He was reſolved, that all Europe ſhould be witneſs of it. He publickly ſent the earl of Caſtelmaine ambaſſador extraordinary to Rome, in order to expreſs his obeiſance to the Pope, and to make advances for reconciling his kingdoms, in form, to the catholic communion. Never man, who came on ſo important an errand, met with ſo many neglects and even affronts, as Caſtelmaine. The pontiff, inſtead of being pleaſed with this forward ſtep, concluded, that a ſcheme, conducted with ſo much indiſcretion, could never poſſibly be ſucceſsful. And as he was engaged in a violent quarrel with the French monarch, a quarrel which intereſted him more nearly than the converſion of England, he bore little regard to James, whom he believed too cloſely connected with his capital enemy. Embaſſy to Rome.

THE only proof of complaiſance, which James received from the Pontiff was his ſending a nuncio to England, in return for the embaſſy. By act of parliament any communication with the Pope was made treaſon: Yet ſo little regard did the king pay to the laws, that he gave the nuncio a public and ſolemn reception at Windſor. The duke of Somerſet, one of the bed-chamber, becauſe he refuſed to aſſiſt at this ceremony, was diſmiſſed from his employment. The nuncio reſided

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1687. openly in London during the reſt of this reign. Four catholic biſhops were publicly conſecrated in the king's chapel, and ſent out under the title of vicars apoſtolical, to exerciſe the epiſcopal function in their reſpective dioceſes. Their paſtoral letters, directed to the lay catholics of England were printed and diſperſed by the expreſs allowance and permiſſion of the king. The regular clergy of that communion appeared at court in the habits of their order; and ſome of them were ſo indiſcreet as to boaſt, that, in a little time, they hoped to walk in proceſſion through the capital.

WHILE the king ſhocked in the moſt open manner all the principles and prejudices of his proteſtant ſubjects, he could not ſometimes but be ſenſible, that he ſtood in need of their aſſiſtance for the execution of his deſigns. He had himſelf, by virtue of his prerogative, ſuſpended the penal laws, and diſpenſed with the teſt; but he would gladly have obtained the ſanction of parliament to theſe acts of power; and he knew, that, without this authority, his edicts alone would never afford a durable ſecurity to the catholics. He had employed, therefore, with the members of parliament many private conferences, which were then called *cloſetings*; and he uſed every expedient of reaſons, menaces and promiſes to break their obſtinacy in this particular. Finding all his efforts fruitleſs, he had diſſolved the parliament, and was determined to call a new one, from which he expected more complaiſance and ſubmiſſion. By the practice of annulling the charters, the king was become maſter of all the corporations, and could at pleaſure change every where the whole magiſtracy. The church party, therefore, by whom the crown had been hitherto ſo remarkably ſupported, and to whom the king viſibly owed his ſafety from all the efforts of his enemies, was deprived of authority; and the diſſenters, thoſe very enemies, were, firſt

in London, and afterwards in every other corporation, CHAP. LXX. 1687.
ſubſtituted in their place. Not content with this violent and dangerous innovation, the king appointed certain regulators to examine the qualifications of electors; and directions were given them to exclude all ſuch as adhered to the teſt and penal ſtatutes[1]. Queries to this purpoſe were openly propoſed in all places, in order to try the ſentiments of men, and enable the king to judge of the proceedings of the future parliament. The power of the crown was at this time ſo great; and the revenue, managed by James's frugality, ſo conſiderable and independant; that, if he had embraced any national party, he had been enſured of ſucceſs; and might have carried his authority to what length he pleaſed. But the catholics, to whom he had entirely devoted himſelf, were ſcarcely the hundredth part of the people. Even the proteſtant nonconformiſts, whom he ſo much courted, were little more than the twentieth; and what was worſe, repoſed no confidence in the unnatural alliance contracted with the catholics, and in the principles of toleration, which, contrary to their uſual practice in all ages, ſeemed at preſent to be adopted by that ſect. The king therefore, finding little hopes of ſucceſs, delayed the ſummoning of a parliament, and proceeded ſtill in the exerciſe of his illegal and arbitrary authority.

THE whole power in Ireland had been committed to catholics. In Scotland, all the miniſters, whom the king chiefly truſted, were converts to that religion. Every great office in England, civil and military, was gradually transferred from the proteſtants. Rocheſter and

[1] The elections in ſome places, particularly in York, were transferred from the people to the magiſtrates, who, by the new charter, were all named by the crown. Sir John Rereſby's memoirs, p. 272. This was in reality nothing different from the king's naming the members. The ſame act of authority had been employed in all the burroughs of Scotland.

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Clarendon, the king's brothers-in-law, though they had ever been faithful to his intereſts, could not, by all their ſervices, atone for their adherence to the national religion; and had been diſmiſſed from their employments. The violent Jefferies himſelf, though he had ſacrificed juſtice and humanity to the court; yet, becauſe he refuſed alſo to give up his religion, was declining in favour and intereſt. Nothing now remained but to open the door in the church and univerſities to the intruſion of the catholics. It was not long before the king made this raſh effort; and by conſtraining the prelacy and eſtabliſhed church to ſeek protection in the principles of liberty, he at laſt left himſelf entirely without friends and adherents.

FATHER FRANCIS, a Benedictine, was recommended by the king's mandate to the univerſity of Cambridge for the degree of maſter of arts; and as it was uſual for the univerſity to confer that degree on perſons eminent for learning, without regard to their religion; and as they had even admitted lately the ſecretary to the ambaſſador of Morocco; the king on that account thought himſelf the better intitled to compliance. But the univerſity conſidered, that there was a great difference between a compliment beſtowed on foreigners, and degrees which gave a title to vote in all the elections and ſtatutes of the univerſity, and which, if conferred on the catholics, would infallibly in time render that ſect entirely ſuperior. They therefore refuſed to obey the king's mandate, and were cited to appear before the court of eccleſiaſtical commiſſion. The vice chancellor was ſuſpended by that court; but as the univerſity choſe a man of ſpirit to ſucceed him, the king thought proper for the preſent to drop his pretenſions.

Attempt upon Magdalen college.

THE attempt upon the univerſity of Oxford was proſecuted with more inflexible obſtinacy, and was attended with

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vith more important consequences. This university had ltely, in their famous decree, made a solemn profession f passive obedience; and the court probably expected, nat they would show their sincerity, when their turn ame to practise that doctrine; which, though, if carred to the utmost extent, it be contrary both to reason nd to nature, is apt to meet with the more effectual opposition from the latter principle. The president of Magalen college, one of the richest foundations in Europe, ying about this time, a mandate was sent in favour of larmer, a new convert, but one, who, besides his being catholic, had not in other respects the qualifications required by the statutes for enjoying that office. The fellows of the college made submissive applications to the king for recalling his mandate; but before they received n answer, the day came, on which, by their statutes, ney were obliged to proceed to an election. They hose Dr. Hough, a man of virtue, as well as of the rmness and vigour requisite for maintaining his own ights and those of the university. In order to punish ne college for this contumacy, as it was called, an inferior ecclesiastical commission was sent down, and the ew president and the fellows were cited before it. So ittle regard had been paid to any consideration besides eligion, that Farmer, on enquiry, was found guilty of ne lowest and most scandalous vices; insomuch that even ne ecclesiastical commissioners were ashamed to insist on lis election. A new mandate, therefore, was issued in avour of Parker, lately created bishop of Oxford, a nan of a prostitute character, but who, like Farmer, toned for all his vices by his avowed willingness to embrace the catholic religion. The college represented, hat all presidents had ever been appointed by election, nd there were few instances of the king's interposing by his ecommendation in favour of any candidate; that having already

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already made a regular election of a president, they could not deprive him of his office, and, during his life-time, substitute any other in his place; that, even if there were a vacancy, Parker, by the statutes, of their founder, could not be chosen; that they had all of them bound themselves by oath to observe these statutes, and never on any account to accept of a dispensation; and that the college had at all times so much distinguished itself by its loyalty, that nothing but the most invincible necessity could now oblige them to oppose his majesty's inclinations. All these reasons availed them nothing. The president and all the fellows, except two who complied, were expelled the college; and Parker was put in possession of the office. This act of violence, of all those which were committed during the reign of James, is perhaps the most illegal and arbitrary. When the dispensing power was the most strenuously insisted on by court lawyers, it had still been allowed, that the statutes, which regard private property, could not legally be infringed by that prerogative: Yet in this instance it appeared, that even these were not now secure from invasion. The privileges of a college are attacked: Men are illegally dispossessed of their property, for adhering to their duty, to their oaths, and to their religion: The fountains of the church are attempted to be poisoned; nor would it be long, it was concluded, ere all ecclesiastical, as well as civil preferments, would be bestowed on such as, negligent of honour, virtue, and sincerity, basely sacrificed their faith to the reigning superstition. Such were the general sentiments; and as the universities have an intimate connexion with the ecclesiastical establishments, and mightily interest all those who have there received their education, this arbitrary proceeding begat an universal discontent against the king's administration.

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The next measure of the court was an insult still more open on the ecclesiastics, and rendered the breach between the king and that powerful body fatal, as well as incurable. It is strange that James, when he felt, from the sentiments of his own heart, what a mighty influence religious zeal had over him, should yet be so infatuated as never once to suspect, that it might possibly have a proportionable authority over his subjects. Could he have profited by repeated experience, he had seen instances enow of their strong aversion to that communion, which, from a violent, imperious temper, he was determined, by every possible expedient, to introduce into his kingdoms. 1687.

The king published a second declaration of indulgence, almost in the same terms with the former; and he subjoined an order, that, immediately after divine service, it should be read by the clergy in all the churches. As they were known universally to disapprove of the use made of the suspending power, this clause, they thought, could be meant only as an insult upon them; and they were sensible, that, by their compliance, they should expose themselves, both to public contempt, on account of their tame behaviour, and to public hatred, by their indirectly patronizing so obnoxious a prerogative [m]. They were determined, therefore, almost universally to preserve the regard of the people; their only protection, while the laws were become of so little validity, and while the court was so deeply engaged in opposite interests. In order to encourage them in this resolution, six prelates, 1688.

[m] When Charles dissolved his last parliament, he set forth a declaration giving his reasons for that measure, and this declaration the clergy had been ordered to read to the people after divine service. These orders were agreeable to their party prejudices, and they willingly submitted to them. The contrary was now the case.

namely,

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namely, Lloyde bishop of St. Asaph, Ken of Bath and Wells, Turner of Ely, Lake of Chichester, White of Peterborough, and Trelawney of Bristol, met privately with the primate, and concerted the form of a petition to the king. They there represent in few words, that, though possessed of the highest sense of loyalty, a virtue of which the church of England had given such eminent testimonies; and though desirous of affording ease in a legal way to all protestant dissenters; yet, because the declaration of indulgence was founded on a prerogative, formerly declared illegal by parliament, they could not, in prudence, honour, or conscience, so far make themselves parties as the distribution of it all over the kingdom would be interpreted to amount to. They therefore besought the king, that he would not insist upon their reading that declaration [n].

The king was incapable, not only of yielding to the greatest opposition, but of allowing the slightest and most respectful contradiction to pass uncensured. He immedi-

[n] The words of the petition were. That the great averseness found in themselves to their distributing and publishing in all their churches your majesty's late declaration for liberty of conscience, proceeds neither from any want of duty and obedience to your majesty (our holy mother, the church of England, being both in her principles and her constant practice unquestionably loyal, and having to her great honour been more than once publicly acknowledged to be so by your gracious majesty) nor yet from any want of tenderness to dissenters, in relation to whom we are willing to come to such a temper as shall be thought fit, when the matter shall be considered and settled in parliament and convocation. But among many other considerations, from this especially, because that declaration is founded upon such a dispensing power as hath been often declared illegal in parliament, and particularly in the year 1662 and 1672, and in the beginning of your majesty's reign, and is a matter of so great moment and consequence to the whole nation both in church and state, that your petitioners cannot in prudence, honour, or conscience so far make themselves parties to it as a distribution of it all over the nation and the solemn publication of it once and again, even in God's house, and in the time of divine service, must amount to in common and reasonable construction.

ately

ately embraced a resolution (and his resolutions, when once embraced, were inflexible) of punishing the bishops, for a petition so popular in its matter, and so prudent and cautious in the expression. As the petition was delivered him in private, he summoned them before the council; and questioned them whether they would acknowledge it. The bishops saw his intention, and seemed long desirous to decline answering: But being pushed by the chancellor, they at last avowed the petition. On their refusal to give bail, an order was immediately drawn for their commitment to the Tower; and the crown lawyers received directions to prosecute them for the seditious libel, which, it was pretended, they had composed and uttered. CHAP. LXX. 1688.

Imprisonment.

THE people were already aware of the danger, to which the prelates were exposed; and were raised to the highest pitch of anxiety and attention with regard to the issue of this extraordinary affair. But when they beheld these fathers of the church brought from court under the custody of a guard, when they saw them embarked in vessels on the river, and conveyed towards the Tower, all their affection for liberty, all their zeal for religion, blazed up at once; and they flew to behold this affecting spectacle. The whole shore was covered with crowds of prostrate spectators, who at once implored the blessing of those holy pastors, and addressed their petitions towards Heaven for protection during this extreme danger, to which their country and their religion stood exposed. Even the soldiers, seized with the contagion of the same spirit, flung themselves on their knees before the distressed prelates, and craved the benediction of those criminals, whom they were appointed to guard. Some persons ran into the water, that they might participate more nearly in those blessings, which the prelates were distributing on all around them.

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them. The bishops themselves, during this triumphant suffering, augmented the general favour, by the most lowly submissive deportment; and they still exhorted the people to fear God, honour the king, and maintain their loyalty; expressions more animating than the most inflammatory speeches. And no sooner had they entered the precincts of the Tower than they hurried to chapel, in order to return thanks for those afflictions, which Heaven, in defence of its holy cause, had thought them worthy to endure.

Trial,

THEIR passage, when conducted to their trial, was, if possible, attended by greater crowds of anxious spectators. All men saw the dangerous crisis, to which affairs were reduced, and were sensible, that the king could not have put the issue on a cause more unfavourable for himself than that in which he had so imprudently engaged. Twenty-nine temporal peers (for the other prelates kept aloof) attended the prisoners to Westminster-hall; and such crowds of gentry followed the procession, that scarcely was any room left for the populace to enter. The lawyers for the bishops were Sir Robert Sawyer, Sir Francis Pemberton, Pollexfen, Treby, and Sommers. No cause, even during the prosecution of the popish plot, was ever heard with so much zeal and attention. The popular torrent, which, of itself, ran fierce and strong, was now farther irritated by the opposition of government.

THE council for the bishops pleaded, that the law allowed subjects, if they thought themselves aggrieved in any particular, to apply by petition to the king, provided they kept within certain bounds, which the same law prescribed to them, and which in the present petition the prelates had strictly observed: That an active obedience in cases, which were contrary to conscience, was never pretended to be due to government; and law

was

was allowed to be the great measure of the compliance and submission of subjects: That when any person found commands to be imposed upon him, which he could not obey, it was more respectful in him to offer his reasons for refusal, than to remain in a sullen and refractory silence: That it was no breach of duty in subjects, even though not called upon, to discover their sense of public measures, in which every one had so intimate a concern: That the bishops in the present case were called upon, and must either express their approbation by compliance, or their disapprobation by petition: That it could be no sedition to deny the prerogative of suspending the laws; because there really was no such prerogative, nor ever could be, in a legal and limited government: That even if this prerogative were real, it had yet been frequently controverted before the whole nation, both in Westminster-hall, and in both houses of parliament: and no one had ever dreamed of punishing the denial of it as criminal: That the prelates, instead of making an appeal to the people, had applied in private to his majesty, and had even delivered their petition so secretly, that, except by the confession extorted from them before the council, it was found impossible to prove them the authors: And that though the petition was afterwards printed and dispersed, it was not so much as attempted to be proved, that they had the least knowledge of the publication.

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THESE arguments were convincing in themselves, and were heard with a favourable disposition by the audience. Even some of the judges, though their seats were held during pleasure, declared themselves in favour of the prisoners. The jury however, from what cause is unknown, took several hours to deliberate, and kept, during so long a time, the people in the most anxious expectation. But when the wished for verdict, *not guilty*, was at last pronounced, the intelligence was echoed through the hall,

17th June, and acquittal of the bishops.

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hall, was conveyed to the crowds without, was carried into the city, and was propagated with infinite joy throughout the kingdom.

EVER ſince Monmouth's rebellion, the king had, every ſummer, encamped his army on Hounſlow heath, that he might both improve their diſcipline, and by ſo unuſual a ſpectacle over-awe the mutinous people. A popiſh chapel was openly erected in the midſt of the camp, and great pains were taken, though in vain, to bring over the ſoldiers to that communion. The few converts whom the prieſts had made, were treated with ſuch contempt and ignominy, as deterred every one from following the example. Even the Iriſh officers, whom the king introduced into the army, ſerved rather, from the averſion borne them, to weaken his intereſt among them. It happened, that the very day, on which the trial of the biſhops was finiſhed, James had reviewed the troops, and had retired into the tent of lord Feverſham, the general; when he was ſurprized to hear a great uproar in the camp, attended with the moſt extravagant ſymptoms of tumultuary joy. He ſuddenly enquired the cauſe, and was told by Feverſham, "It was "nothing but the rejoicing of the ſoldiers for the acquit-"tal of the biſhops." "Do you call that nothing?" replied he, "but ſo much the worſe for them."

THE king was ſtill determined to ruſh forward in the ſame courſe, in which he was already, by his precipitate career, ſo fatally advanced. Though he knew, that every order of men, except a handful of catholics, were enraged at his paſt meaſures, and ſtill more terrified with the future proſpect; though he ſaw that the ſame diſcontents had reached the army, his ſole reſource during the general diſſaffection: Yet was he incapable of changing his meaſures, or even of remitting his violence in the proſecution of them. He ſtruck out two of the judges, Powel,

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Powel and Holloway, who had appeared to favour the biſhops: He iſſued orders to proſecute all thoſe clergymen who had not read his declaration; that is, the whole church of England, two hundred excepted: He ſent a mandate to the new fellows, whom he had obtruded on Magdalen-college, to elect for preſident, in the room of Parker, lately deceaſed, one Gifford, a doctor of the Sorbonne, and titular biſhop of Madura: And he is even ſaid to have nominated the ſame perſon to the ſee of Oxford. So great an infatuation is perhaps an object of compaſſion rather than of anger: And is really ſurprizing in a man, who, in other reſpects, was not wholly deficient in ſenſe and accompliſhments.

A FEW days before the acquittal of the biſhops, an event happened, which, in the king's ſentiments, much overbalanced all the mortifications, received on that occaſion. The queen was delivered of a ſon, who was baptized by the name of James. This bleſſing was impatiently longed for, not only by the king and queen, but by all the zealous catholics both abroad and at home. They ſaw, that the king was paſt middle age; and that on his death the ſucceſſion muſt devolve to the prince and princeſs of Orange, two zealous proteſtants, who would ſoon replace every thing on ancient foundations. Vows therefore were offered at every ſhrine for a male ſucceſſor: Pilgrimages were undertaken, particularly one to Loretto, by the dutcheſs of Modena; and ſucceſs was chiefly attributed to that pious journey. But in proportion as this event was agreeable to the catholics, it encreaſed the diſguſt of the proteſtants, by depriving them of that pleaſing, though ſomewhat diſtant proſpect, in which at preſent they flattered themſelves. Calumny even went ſo far as to aſcribe to the king the deſign of impoſing on the world a ſuppoſititious child, who might be educated in his principles, and after his death ſupport the catholic

10th June. Birth of the prince of Wales.

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religion in his dominions. The nation almoſt univerſally believed him capable, from bigotry, of committing any crime; as they had ſeen, that, from like motives, he was guilty of every imprudence: And the affections of nature, they thought, would be eaſily ſacrificed to the ſuperior motive of propagating a catholic and orthodox faith. The preſent occaſion was not the firſt, when that calumny had been invented. In the year 1682, the queen, then dutcheſs of York, had been pregnant; and rumours were ſpread that an impoſture would at that time be obtruded upon the nation: But happily, the infant proved a female, and thereby ſpared the party all the trouble of ſupporting their improbable fiction °.

° This ſtory is taken notice of in a weekly paper, the Obſervator, publiſhed at that very time, 23d of Auguſt, 1682. Party zeal is capable of ſwallowing the moſt incredible ſtory; but it is ſurely ſingular, that the ſame calumny, when once baffled, ſhould yet be renewed with ſuch ſucceſs.

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Conduct of the prince of Orange——He forms a league againſt France——refuſes to concur with the king——reſolves to oppoſe the king——Is applied to by the Engliſh——Coalition of parties——Prince's preparations——Offers of France to the King——rejected——Suppoſed league with France——General diſcontents——The king retracts his meaſures——Prince's declaration——The prince lands in England——General commotion——Deſertion of the army——and of prince George——and of the princeſs Anne——King's conſternation——and flight——General confuſion——King ſeized at Feverſham——Second eſcape——King's character——Convention ſummoned——Settlement of Scotland——Engliſh convention meets——Views of the parties——Free conference between the houſes——Commons prevail——Settlement of the crown——Manners and ſciences.

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WHILE every motive, civil and religious, concurred to alienate from the king every rank and denomination of men, it might be expected, that his throne would, without delay, fall to pieces by its own weight: But ſuch is the influence of eſtabliſhed government; ſo averſe are men from beginning hazardous enterprizes; that, had not an attack been made from abroad, affairs might long have remained in their preſent delicate

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situation, and James might at last have prevailed in his rash, and ill concerted projects.

1688. Conduct of the prince of Orange.

THE prince of Orange, ever since his marriage with the lady Mary, had maintained a very prudent conduct; agreeably to that sound understanding, with which he was so eminently endowed. He made it a maxim to concern himself little in English affairs, and never by any measure to disgust any of the factions, or give umbrage to the prince, who filled the throne. His natural inclination, as well as his interest, led him to employ himself with assiduous industry in the transactions on the continent, and to oppose the grandeur of the French monarch, against whom he had long, both from personal and political considerations, conceived a violent animosity. By this conduct, he gratified the prejudices of the whole English nation: But as he crossed the inclinations of Charles, who sought peace by compliance with France, he had much declined in the favour and affections of that monarch.

JAMES on his accession found it so much his interest to live on good terms with the heir apparent, that he showed the prince some demonstrations of friendship; and the prince, on his part, was not wanting in every instance of duty and regard towards the king. On Monmouth's invasion, he immediately dispatched over six regiments of British troops, which were in the Dutch service; and he offered to take the command of the king's forces against the rebels. How little soever he might approve of James's administration, he always kept a total silence on the subject, and gave no countenance to those discontents, which were propagated with such industry throughout the nation.

IT was from the application of James himself, that the prince first openly took any part in English affairs.

Not-

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Notwithstanding the lofty ideas, which the king had entertained of his prerogative, he found, that the edicts, emitted from it, still wanted much of the authority of laws, and that the continuance of them might in the issue become dangerous, both to himself and to the catholics, whom he desired to favour. An act of parliament alone could insure the indulgence or toleration, which he had laboured to establish; and he hoped, that, if the prince would declare in favour of that scheme, the members, who had hitherto resisted all his own applications, would at last be prevailed with to adopt it. The consent, therefore, of the prince to the repeal of the penal statutes and of the test was strongly solicited by the king; and in order to engage him to agree to that measure, hopes were given [p], that England would second him in all those enterprizes, which his active and extensive genius had with such success planned on the continent. He was at this time the center of all the negociations of Christendom.

He forms a league against France.

THE emperor and the king of Spain, as the prince well knew, were enraged by the repeated injuries, which they had suffered from the ambition of Lewis, and still more by the frequent insults, which his pride had made them undergo. He was apprized of the influence of these monarchs over the catholic princes of the empire: He had himself acquired great authority with the protestant: And he formed a project of uniting Europe in one general league against the encroachments of France, which seemed so nearly to threaten the independance of all its neighbours.

No characters are more incompatible than those of a conqueror and a persecutor; and Lewis soon found, that besides his weakening France by the banishment of

[p] Burnet, vol. i. p. 711. D'Avaux, 15th of April, 1688.

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so many useful subjects, the refugees had enflamed all the protestant nations against him, and had raised him enemies, who, in defence of their religion as well as liberty, were obstinately resolved to oppose his progress. The city of Amsterdam and other towns in Holland, which had before fallen into a dependance on France, being terrified with the accounts, which they every moment received, of the furious persecutions against the Hugonots, had now dropped all domestic faction, and had entered into an entire confidence with the prince of Orange [q]. The protestant princes of the empire formed a separate league at Magdebourg for the defence of their religion. The English were anew enraged at the blind bigotry of their sovereign, and were disposed to embrace the most desperate resolutions against him. From a view of the state of Europe during this period, it appears, that Lewis, besides sullying an illustrious reign, had wantonly by this persecution raised invincible barriers to his arms, which otherwise it had been difficult, if not impossible, to resist.

THE prince of Orange knew how to avail himself of all these advantages. By his intrigues and influence there was formed at Augsbourg a league, in which the whole empire united for its defence against the French monarch. Spain and Holland became parties in the alliance. The accession of Savoy was afterwards obtained. Sweden and Denmark seemed to favour the same cause. But though these numerous states composed the greater part of Europe, the league was still deemed imperfect and unequal to its end; so long as England maintained that neutrality, in which she had hitherto persevered.

[q] D'Avaux, 24th of July, 1681; 10th of June, 15th of October, 11th of November, 1688; vol. iv. p. 30.

JAMES,

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JAMES, though more prone to bigotry, was more ſenſible to his own and to national honour than his brother; and had he not been reſtrained by the former motive, he would have maintained with more ſpirit the intereſts and independance of his kingdoms. When a proſpect, therefore, appeared of effecting his religious ſchemes by oppoſing the progreſs of France, he was not averſe to that meaſure; and he gave his ſon-in-law room to hope, that, by concurring with his views in England, he might prevail with him to ſecond thoſe projects, which the prince was ſo ambitious of promoting.

Refuſes to concur with the king.

A MORE tempting offer could not be made to a perſon of his enterprizing character: But the objections to that meaſure, upon deliberation, appeared to him unſurmountable. The king, he obſerved, had incurred the hatred of his own ſubjects: Great apprehenſions were entertained of his deſigns: The only reſource, which the nation ſaw, was in the future ſucceſſion of the prince and princeſs: Should *he* concur in thoſe dreaded meaſures, he ſhould draw on himſelf all the odium, under which the king laboured: The nation might even refuſe to bear the expence of alliances, which would in that caſe become ſo ſuſpicious: And he might himſelf incur danger of loſing a ſucceſſion, which was awaiting him, and which the egregious indiſcretion of the king ſeemed even to give him hopes of reaping, before it ſhould devolve to him by the courſe of nature. The prince, therefore, would go no farther than to promiſe his conſent to the repeal of the penal ſtatutes, by which the nonconformiſts as well as catholics were expoſed to puniſhment: The teſt he deemed a ſecurity abſolutely neceſſary for the eſtabliſhed religion.

THE king did not remain ſatisfied with a ſingle trial. There was one Stuart, a Scotch lawyer, who had been baniſhed for pretended treaſonable practices; but who had afterwards obtained a pardon, and had been recalled. By

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the king's directions, Stuart wrote ſeveral letters to penſionary Fagel, with whom he had contracted an acquaintance in Holland; and beſides urging all the motives for an unlimited toleration, he deſired, that his reaſons ſhould, in the king's name, be communicated to the prince and princeſs of Orange. Fagel during a long time made no reply; but finding, that his ſilence was conſtrued into an aſſent, he at laſt expreſſed his own ſentiments and thoſe of their Highneſſes. He ſaid, that it was their fixed opinion, that no man, merely becauſe he differed from the eſtabliſhed faith, ſhould ever, while he remained a peaceable ſubject, be expoſed to any puniſhment or even vexation. That the prince and princeſs gave heartily their conſent for repealing legally all the penal ſtatutes, as well thoſe which had been enacted againſt the catholics as againſt the proteſtant nonconformiſts; and would concur with the king in any meaſure for that purpoſe. That the teſt was not to be conſidered as a penalty inflicted on the profeſſors of any religion, but as a ſecurity provided for the eſtabliſhed worſhip. That it was no puniſhment on men to be excluded from public offices, and to live peaceably on their own revenues or induſtry. That even in the United Provinces, which were ſo often cited as models of toleration, though all ſects were admitted, yet civil offices were enjoyed by the profeſſors of the eſtabliſhed religion alone. That military commands, indeed, were ſometimes beſtowed on catholics; but as they were conferred with great precaution, and ſtill lay under the controul of the magiſtrate, they could give no juſt reaſon for umbrage. And that their Highneſſes, however deſirous of gratifying the king, and of endeavouring, by every means, to render his reign peaceable and happy, could not agree to any meaſure, which would expoſe their religion to ſuch imminent danger,

WHEN

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When this letter was publiſhed, as it ſoon was, it inſpired great courage into the proteſtants of all denominations, and ſerved to keep them united in their oppoſition to the encroachments of the catholics. On the other hand, the king, who was not content with a ſimple toleration for his own religion, but was reſolved, that it ſhould enjoy great credit, if not an abſolute ſuperiority, was extremely diſguſted, and took every occaſion to expreſs his diſpleaſure, as well againſt the prince of Orange as the United Provinces. He gave the Algerine pyrates, who preyed on the Dutch, a reception in his harbours, and liberty to diſpoſe of their prizes. He revived ſome complaints of the Eaſt India company with regard to the affair of Bantam[r]. He required the ſix Britiſh regiments in the Dutch ſervice to be ſent over. He began to put his navy in a formidable condition. And from all his movements, the Hollanders entertained apprehenſions, that he ſought only an occaſion and pretence for making war upon them.

Reſolves to oppoſe the king.

The prince in his turn reſolved to puſh affairs with more vigour, and to preſerve all the Engliſh proteſtants in his intereſts, as well as maintain them firm in their preſent union againſt the catholics. He knew, that men of education in England were, many of them, retained in their religion more by honour than by principle[s]; and that, though every one was aſhamed to be the firſt proſelyte, yet if the example were once ſet by ſome eminent perſons, intereſt would every day make conſiderable converſions to a communion, which was ſo zealouſly encouraged by the ſovereign. Dykvelt therefore was ſent over as envoy to England; and the prince gave him inſtructions, beſides publicly remonſtrating on the conduct of affairs both at home and abroad, to apply in his name, after a proper manner, to every ſect and denomination. To the church party he ſent aſſurances of favour and regard, and proteſted, that his education in Holland had

[r] D'Avaux, 21ſt of January, 1687. [s] Burnet.

no

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no wife prejudiced him againſt epiſcopal government. The nonconformiſts were exhorted not to be deceived by the fallacious careſſes of a popiſh court, but to wait patiently, till, in the fullneſs of time, laws, enacted by proteſtants, ſhould give them that toleration, which, with ſo much reaſon, they had long demanded. Dykvelt executed his commiſſion with ſuch dexterity, that all orders of men caſt their eyes towards Holland, and expected thence a deliverance from thoſe dangers, with which their religion and liberty were ſo nearly threatened.

Is applied to by the Engliſh.

MANY of the moſt conſiderable perſons, both in church and ſtate, made ſecret applications to Dykvelt, and through him to the prince of Orange. Admiral Herbert too, though a man of great expence, and ſeemingly of little religion, had thrown up his employments, and had retired to the Hague, where he aſſured the prince of the diſaffection of the ſeamen, by whom that admiral was extremely beloved. Admiral Ruſſel, couſin german to the unfortunate lord of that name, paſſed frequently between England and Holland, and kept the communication open with all the great men of the proteſtant party. Henry Sidney, brother to Algernon, and uncle to the earl of Sunderland, came over under pretence of drinking the waters at Spaw, and conveyed ſtill ſtronger aſſurances of an univerſal combination againſt the meaſures of the king. Lord Dumblaine, ſon of the earl of Danby, being maſter of a frigate, made ſeveral voyages to Holland, and carried from many of the nobility tenders of duty, and even conſiderable ſums of money [t], to the prince of Orange.

THERE remained, however, ſome reaſons, which retained all parties in awe, and kept them from breaking out into immediate hoſtility. The prince, on the one hand, was afraid of hazarding, by violent meaſures, an

[t] D'Avaux, 14th and 24th of September, 8th and 15th of October, 1688.

inheritance, which the laws ensured to the princess; and the English protestants, on the other, from the prospect of her succession, still entertained hopes of obtaining at last a peaceable and a safe redress of all their grievances. But when a son was born to the king, both the prince and the English nation were reduced to despair, and saw no resource but in a confederacy for their mutual interests. And thus the event, which James had so long made the object of his most ardent prayers, and from which he expected the firm establishment of his throne, proved the immediate cause of his ruin and downfall. 1688.

ZUYLESTEIN, who had been sent over to congratulate the king on the birth of his son, brought back to the prince invitations from most of the great men in England, to assist them, by his arms, in the recovery of their laws and liberties. The bishop of London, the earls of Danby, Nottingham, Devonshire, Dorset, the duke of Norfolk, the lords Lovelace, Delamere, Paulet, Eland, Mr. Hambden, Powle, Lester, besides many eminent citizens of London; all these persons, though of opposite parties, concurred in their applications to the prince. The whigs, suitably to their ancient principles of liberty, which had led them to attempt the exclusion bill, easily agreed to oppose a king, whose conduct had justified whatever his worst enemies had prognosticated concerning his succession. The tories and the church party, finding their past services forgotten, their rights invaded, their religion threatened, agreed to drop for the present all over-strained doctrines of submission, and attend to the great and powerful dictates of nature. The nonconformists, dreading the caresses of known and inveterate enemies, deemed the offers of toleration more secure from a prince, educated in those principles, and accustomed to that practice. And thus all faction was for a time laid asleep in England; and rival parties, forgetting their animosity, had secretly concurred in a design of resisting their unhappy and misguided

Coalition of parties.

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guided ſovereign. The earl of Shrewſbury, who had acquired great popularity by deſerting, at this time, the catholic religion, in which he had been educated, left his regiment, mortgaged his eſtate for forty thouſand pounds, and made a tender of his ſword and purſe to the prince of Orange. Lord Wharton, notwithſtanding his age and infirmities, had taken a journey for the ſame purpoſe. Lord Mordaunt was at the Hague, and puſhed on the enterprize with that ardent and courageous ſpirit, for which he was ſo eminent. Even Sunderland, the king's favourite miniſter, is believed to have entered into a correſpondence with the prince; and at the expence of his own honour and his maſter's intereſts, to have ſecretly favoured a cauſe, which, he foreſaw, was likely ſoon to predominate [u].

THE prince was eaſily engaged to yield to the applications of the Engliſh, and to embrace the defence of a nation, which, during its preſent fears and diſtreſſes, regarded him as its ſole protector. The great object of his ambition was to be placed at the head of a confederate army, and by his valour to avenge the injuries, which he himſelf, his country, and his allies, had ſuſtained from the haughty Lewis. But while England remained under the preſent government, he deſpaired of ever forming a league which would be able, with any probability of ſucceſs, to make oppoſition againſt that powerful monarch. The tyes of affinity could not be ſuppoſed to have great influence over a perſon of the prince's rank and temper; much more, as he knew, that they were at firſt unwillingly contracted by the king, and had never ſince been cultivated by any eſſential favours or good offices. Or ſhould any reproach remain upon him for violating the duties of private life; the glory of delivering oppreſſed

[u] D'Avaux was always of that opinion. See his negotiations 6th and 20th May, 18th, 27th of September, 22d of November, 1688. On the whole, that opinion is the moſt probable.

nations

nations would, he hoped, be able, in the eyes of reasonable men, to make ample compensation. He could not well expect, on the commencement of his enterprize, that it would lead him to mount the throne of England: But he undoubtedly foresaw, that its success would establish his authority in that kingdom. And so egregious was James's temerity, that there was no advantage, so great or obvious, which that prince's indiscretion might not afford his enemies. CHAP. LXXI. 1688.

THE prince of Orange, throughout his whole life, was peculiarly happy in the situations, in which he was placed. He saved his own country from ruin, he restored the liberties of these kingdoms, he supported the general independency of Europe. And thus, though his virtue, it is confessed, be not the purest, which we meet with in history, it will be difficult to find any person, whose actions and conduct have contributed more eminently to the general interests of society and of mankind.

Prince's preparations.

THE time, when the prince entered on his enterprize, was well chosen; as the people were then in the highest ferment, on account of the insult, which the imprisonment and trial of the bishops had put upon the church, and indeed upon all the protestants of the nation. His method of conducting his preparations was no less wise and politic. Under other pretences he had beforehand made considerable augmentations to the Dutch navy; and the ships were at that time lying in harbour. Some additional troops were also levied; and sums of money, raised for other purposes, were diverted by the prince to the use of this expedition. The States had given him their entire confidence; and partly from terror of the power of France, partly from disgust at some restraints laid on their commerce in that kingdom, were sensible how necessary success in this enterprize was become to their domestic happiness and security. Many of the neigh-

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neighbouring princes regarded him as their guardian and protector, and were guided by him in all their counsels. He held conferences with Castanaga, governor of the Spanish Netherlands, with the electors of Brandenburgh and Saxony, with the Landgrave of Hesse-Cassel, and with the whole house of Lunenbourg. It was agreed, that these princes should replace the troops employed against England, and should protect the United Provinces during the absence of the prince of Orange. Their forces were already on their march for that purpose: A considerable encampment of the Dutch army was formed at Nimeguen: Every place was in movement; and though the roots of this conspiracy reached from one end of Europe to the other, so secret were the prince's counsels, and so fortunate was the situation of affairs, that he could still cover his preparations under other pretences; and little suspicion was entertained of his real intentions.

1683.

The king of France, menaced by the league of Augsbourg, had resolved to strike the first blow against the allies; and having fought a quarrel with the emperor and the elector Palatine, he had invaded Germany with a great army, and had laid siege to Philipsbourg. The elector of Cologne, who was also bishop of Liege and Munster, and whose territories almost entirely surrounded the United Provinces, had died about this time; and the candidates for that rich succession were prince Clement of Bavaria, supported by the house of Austria, and the cardinal of Furstemberg, a prelate dependant on France. The pope, who favoured the allies, was able to throw the balance between the parties, and prince Clement was chosen; a circumstance which contributed extremely to the security of the States. But as the cardinal kept possession of many of the fortresses, and had applied to France for succour, the neighbouring territories were full

full of troops; and by this means the preparations of the Dutch and their allies seemed intended merely for their own defence against the different enterprizes of Lewis. CHAP. LXXI. 1688.

ALL the artifices, however, of the prince could not entirely conceal his real intentions from the sagacity of the French court. D'Avaux, Lewis's envoy at the Hague, had been able, by a comparison of circumstances, to trace the purposes of the preparations in Holland; and he instantly informed his master of the discovery. Lewis conveyed the intelligence to James; and accompanied the information with an important offer. He was willing to join a squadron of French ships to the English fleet; and to send over any number of troops, which James should judge requisite for his security. When this proposal was rejected, he again offered to raise the siege of Philipsbourg, to march his army into the Netherlands, and by the terror of his arms to detain the Dutch forces in their own country. This proposal met with no better reception. Offers of France to the king.

JAMES was not, as yet, entirely convinced, that his son-in-law intended an invasion upon England. Fully persuaded, himself, of the sacredness of his own authority, he fancied, that a like belief had made deep impression on his subjects; and notwithstanding the strong symptoms of discontent which broke out every where, such an universal combination in rebellion appeared to him no wise credible. His army, in which he trusted, and which he had considerably augmented, would easily be able, he thought, to repel foreign force, and to suppress any sedition among the populace. A small number of French troops, joined to these, might tend only to breed discontent; and afford them a pretence for mutinying against foreigners, so much feared and hated by the nation. A great body of auxiliaries might indeed secure him both against an invasion from Holland, and against Rejected.

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the rebellion of his own ſubjects; but would be able afterwards to reduce him to dependance, and render his authority entirely precarious. Even the French invaſion of the Low Countries might be attended with dangerous conſequences; and would ſuffice, in theſe jealous times, to revive the old ſuſpicion of a combination againſt Holland, and againſt the proteſtant religion; a ſuſpicion, which had already produced ſuch diſcontents in England. Theſe were the views ſuggeſted by Sunderland; and it muſt be confeſſed, that the reaſons, on which they were founded, were ſufficiently plauſible; as indeed the ſituation, to which the king had reduced himſelf, was, to the laſt degree, delicate and perplexing.

STILL Lewis was unwilling to abandon a friend and ally, whoſe intereſts he regarded as cloſely connected with his own. By the ſuggeſtion of Skelton, the king's miniſter at Paris, orders were ſent to D'Avaux to remonſtrate with the States in Lewis's name againſt thoſe preparations, which they were making to invade England. The ſtrict amity, ſaid the French miniſter, which ſubſiſts between the two monarchs will make Lewis regard every attempt againſt his ally as an act of hoſtility againſt himſelf. This remonſtrance had a bad effect, and put the States in a flame. What is this alliance, they aſked, between France and England, which has been ſo carefully concealed from us? Is it of the ſame nature with the former; meant for our deſtruction and for the extirpation of the proteſtant religion? If ſo, it is high time for us to provide for our own defence, and to anticipate thoſe projects, which are forming againſt us.

EVEN James was diſpleaſed with this officious ſtep taken by Lewis for his ſervice. He was not reduced, he ſaid, to the condition of the cardinal of Furſtemberg, and obliged to ſeek the protection of France. He recalled Skelton, and threw him into the Tower for his

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rash conduct. He solemnly disavowed D'Avaux's memorial; and protested, that no alliance subsisted between him and Lewis, but what was public and known to all the world. The States, however, still affected to appear incredulous on that head [x]; and the English, prepossessed against their sovereign, firmly believed, that he had concerted a project with Lewis for their entire subjection. Portsmouth, it was said, was to be put into the hands of that ambitious monarch: England was to be filled with French and Irish troops: And every man, who refused to embrace the Romish superstition, was by these bigotted princes devoted to certain destruction.

These suggestions were every where spread abroad, and tended to augment the discontents, of which both the fleet and army, as well as the people, betrayed every day the most evident symptoms. The fleet had begun to mutiny; because Stricland, the admiral, a Roman catholic, introduced the mass aboard his ship, and dismissed the protestant chaplain. It was with some difficulty the seamen could be appeased; and they still persisted in declaring, that they would not fight against the Dutch, whom they called friends and brethren; but would willingly give battle to the French, whom they regarded as national enemies. The king had intended to augment his army with Irish recruits, and he resolved to try the experiment on the regiment of the duke of Berwic, his natural son; But Beaumont, the lieutenant-colonel, refused to admit them; and to this opposition five captains steadily adhered. They were all cashiered; and had not the discontents of the army on this occasion become very

[x] That there really was no new alliance formed betwixt France and England appear both from Sunderland's apology, and from D'Avaux's negotiations, lately published: See vol. iv. p. 18. Eng. translation, 27th of September, 1687. 16th of March, 6th of May, 10th of August, 2d, 23d, and 24th of September, 5th, and 7th of October, 11th of November, 1688.

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apparent, it was resolved to have punished those officers for mutiny.

1688. THE king made a trial of the dispositions of his army, in a manner still more undisguised. Finding opposition from all the civil and ecclesiastical orders of the kingdom, he resolved to appeal to the military, who, if unanimous, were able alone to serve all his purposes, and to enforce universal obedience. His intention was to engage all the regiments, one after another, to give their consent to the repeal of the test and penal statutes; and accordingly, the major of Litchfield's drew out the battalion before the king, and told them, that they were required either to enter into his majesty's views in these particulars, or to lay down their arms. James was surprized to find, that, two captains, and a few popish soldiers excepted, the whole battalion immediately embraced the latter part of the alternative. For some time, he remained speechless; but having recovered from his astonishment, he commanded them to take up their arms; adding with a sullen, discontented air, "That for the future, he would not do them "the honour to apply for their approbation."

WHILE the king was dismayed with these symptoms of general disaffection, he received a letter from the marquess
23d Sept. of Albeville, his minister at the Hague, which informed him with certainty, that he was soon to look for a powerful invasion from Holland, and that pensionary Fagel had at length acknowledged, that the scope of all the Dutch naval preparations was to transport forces into England. Though James could reasonably expect no other intelligence, he was astonished at the news: He grew pale, and the letter dropped from his hand: His eyes were now opened, and he found himself on the brink of a frightful precipice, which his delusions had hitherto concealed from him. His ministers and counsellors, equally astonished, saw no resource but in a sudden and precipitate retrac-

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retraction of all those fatal measures, by which he had created to himself so many enemies, foreign and domestic. He paid court to the Dutch, and offered to enter into any alliance with them for common security: He replaced in all the counties the deputy-lieutenants and justices, who had been deprived of their commissions for their adherence to the test and the penal laws: He restored the charters of London, and of all the corporations: He annulled the court of ecclesiastical commission: He took off the bishop of London's suspension: He re-instated the expelled president and fellows of Magdalen college: And he was even reduced to caress those bishops, whom he had so lately prosecuted and insulted. All these measures were regarded as symptoms of fear, not of repentance. The bishops instead of promising succour, or suggesting comfort, recapitulated to him all the instances of his mal-administration, and advised him thenceforwards to follow more salutary counsel. And as intelligence arrived of a great disaster, which had befallen the Dutch fleet, it is commonly believed, that the king recalled, for some time, the concessions, which he had made to Magdalen college: A bad sign of his sincerity in his other concessions. Nay, so prevalent were his unfortunate prepossessions, that, amidst all his present distresses, he could not forbear, at the baptism of the young prince, appointing the pope to be one of the godfathers.

The king retracts his measures.

THE report, that a suppositious child was to be imposed on the nation, had been widely spread, and greedily received, before the birth of the prince of Wales: But the king, who, without seeming to take notice of the matter, might easily have quashed that ridiculous rumour, had, from an ill-timed haughtiness, totally neglected it. He disdained, he said, to satisfy those, who could deem him capable of so base and villainous an action. Find-

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ing that the calumny gained ground, and had made deep impreſſion on his ſubjects, he was now obliged to ſubmit to the mortifying taſk of aſcertaining the reality of the birth. Though no particular attention had been beforehand given to enſure proof, the evidence, both of the queen's pregnancy and delivery was rendered indiſputable; and ſo much the more, as no argument or proof of any importance, nothing but popular rumour and ſurmize, could be thrown into the oppoſite ſcale.

Prince's declaration.

MEANWHILE, the prince of Orange's declaration was diſperſed over the kingdom, and met with univerſal approbation. All the grievances of the nation were there enumerated: The diſpenſing and ſuſpending power; the court of eccleſiaſtical commiſſion; the filling of all offices with catholics, and the raiſing of a Jeſuit to be privy-counſellor; the open encouragement given to popery, by building every where churches, colleges, and ſeminaries for that ſect; the diſplacing of judges, if they refuſed to give ſentence according to orders received from court; the annulling of the charters of all the corporations, and the ſubjecting of elections to arbitrary will and pleaſure; the treating of petitions, even the moſt modeſt, and from perſons of the higheſt rank, as criminal and ſeditious; the committing of the whole authority of Ireland, civil and military, into the hands of papiſts; the aſſuming of an abſolute power over the religion and laws of Scotland, and openly exacting in that kingdom an obedience without reſerve; and the violent preſumptions againſt the legitimacy of the prince of Wales. In order to redreſs all theſe grievances, the prince ſaid, that he intended to come over to England with an armed force, which might protect him from the king's evil counſellors: And that his ſole aim was to have a legal and free parliament aſſembled, who might provide for the ſafety and liberty of the nation, as well

as

as examine the proofs of the prince of Wales's legiti- CHAP. LXXI.
macy. No one, he added, could entertain ſuch hard 1688.
thoughts of him as to imagine, that he had formed any other deſign than to procure the full and laſting ſettlement of religion, liberty, and property. The force, which he meant to bring with him, was totally diſproportioned to any views of conqueſt; and it were abſurd to ſuſpect, that ſo many perſons of high rank, both in church and ſtate, would have given him ſo many ſolemn invitations for ſuch a pernicious purpoſe. Though the Engliſh miniſters, terrified with his enterprize, had pretended to redreſs ſome of the grievances complained of; there ſtill remained the foundation of all grievances, that upon which they could in an inſtant be again erected, an arbitrary and deſpotic power in the crown. And for this uſurpation there was no poſſible remedy, but by a full declaration of all the rights of the ſubject in a free parliament.

So well concerted were the prince's meaſures, that, in three days, above four hundred tranſports were hired; the army quickly fell down the rivers and canals from Nimeguen; the artillery, arms, ſtores, and horſes, were embarked; and the prince ſet ſail from Helvoet-Sluice, 21ſt of October. with a fleet of near five hundred veſſels, and an army of above fourteen thouſand men. He firſt encountered a ſtorm, which drove him back: But his loſs being ſoon repaired, the fleet put to ſea under the command of admiral Herbert, and made ſail with a fair wind towards the weſt of England. The ſame wind detained the king's fleet in their ſtation near Harwich, and enabled the Dutch to paſs the ſtreights of Dover without oppoſition. Both ſhores were covered with multitudes of people, who, beſides admiring the grandeur of the ſpectacle, were held in anxious ſuſpence by the proſpect of an enterprize, the moſt important, which, dur-

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ing ſome ages, had been undertaken in Europe. The prince had a proſperous voyage, and landed his army ſafely in Torbay on the fifth of November, the anniverſary of the gunpowder-treaſon.

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THE Dutch army marched firſt to Exeter; and the prince's declaration was there publiſhed. That whole county was ſo terrified with the executions, which had enſued upon Monmouth's rebellion, that no one for ſeveveral days joined the prince. The biſhop of Exeter in a fright fled to London, and carried to court intelligence of the invaſion. As a reward of his zeal, he received the archbiſhopric of York, which had long been kept vacant, with an intention, as was univerſally believed, of beſtowing it on ſome catholic. The firſt perſon, who joined the prince, was major Burrington; and he was quickly followed by the gentry of the counties of Devon and Somerſet. Sir Edward Seymour made propoſals for an aſſociation, which every one ſigned. By degrees, the earl of Abingdon, Mr. Ruſſel, ſon of the earl of Bedford, Mr. Wharton, Godfrey, Howe came to Exeter. All England was in commotion. Lord Delamere took arms in Cheſhire, the earl of Danby ſeized York, the earl of Bath, governor of Plymouth, declared for the prince, the earl of Devonſhire made a like declaration in Derby. The nobility and gentry of Nottinghamſhire embraced the ſame cauſe; and every day there appeared ſome effect of that univerſal combination, into which the nation had entered againſt the meaſures of the king. Even thoſe who took not the field againſt him, were able to embaraſs and confound his counſels. A petition for a free parliament was ſigned by twenty-four biſhops and peers of the greateſt diſtinction, and was preſented to the king. No one thought of oppoſing or reſiſting the invader.

General commotion.

BUT the moſt dangerous ſymptom was the diſaffection, which from the general ſpirit of the nation, not from any

particular

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1688. Desertion of the army,

particular reason, had creeped into the army. The officers seemed all disposed to prefer the interests of their country and of their religion to those principles of honour and fidelity, which are commonly esteemed the most sacred ties by men of that profession. Lord Colchester, son of the earl of Rivers, was the first officer that deserted to the prince; and he was attended by a few of his troops. Lord Lovelace made a like effort; but was intercepted by the militia under the duke of Beaufort and taken prisoner: Lord Cornbury, son of the earl of Clarendon, was more successful. He attempted to carry over three regiments of cavalry; and he actually brought a considerable part of them to the prince's quarters. Several officers of distinction informed Feversham, the general, that they could not in conscience fight against the prince of Orange.

Lord Churchill had been raised from the rank of a page, had been invested with a high command in the army, had been created a peer, and had owed his whole fortune to the king's favour: Yet even he could resolve, during the present extremity, to desert his unhappy master, who had ever reposed entire confidence in him. He carried with him the duke of Grafton, natural son of the late king, colonel Berkeley, and some troops of dragoons. This conduct was a signal sacrifice to public virtue of every duty in private life; and required, ever after, the most upright, disinterested, and public spirited behaviour to render it justifiable.

The king had arrived at Salisbury, the head quarters of his army, when he received this fatal intelligence. That prince, though a severe enemy, had ever appeared a warm, steady, and sincere friend; and he was extremely shocked with this, as with many other instances of ingratitude, to which he was now exposed. There remained none in whom he could confide. As the whole

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army had discovered symptoms of discontent, he concluded it full of treachery; and being deserted by those whom he had most favoured and obliged, he no longer expected, that others would hazard their lives in his service. During this distraction and perplexity, he embraced a sudden resolution of drawing off his army, and retiring towards London: A measure, which could only serve to betray his fears, and provoke farther treachery.

25th of November.

But Churchill had prepared a still more mortal blow for his distressed benefactor. His lady and he had an entire ascendant over the family of prince George of Denmark; and the time now appeared seasonable for overwhelming the unhappy king, who was already staggering with the violent shocks, which he had received. Andover was the first stage of James's retreat towards London; and there, prince George, together with the young duke of Ormond [a], Sir George Huet, and some other persons of distinction, deserted him in the night-time, and retired to the prince's camp.

and of prince George,

No sooner had this news reached London, than the princess Anne, pretending fear of the king's displeasure, withdrew herself in company with the bishop of London and lady Churchill. She fled to Nottingham; where the earl of Dorset received her with great respect, and the gentry of the county quickly formed a troop for her protection.

and of the princess Anne.

The late king, in order to gratify the nation, had entrusted the education of his nieces entirely to protestants; and as these princesses were deemed the chief resource of the established religion after their father's defection, great care had been taken to instill into them, from their earliest infancy, the strongest prejudices against popery. During the violence too of such popular currents, as now prevailed in England, all private considerations are commonly lost in the general passion; and the more principle any person possesses, the more apt is he,

[a] His grandfather, the first duke of Ormond, had died this year, on the 21st of July.

on

on such occasions, to neglect and abandon his domestic duties. Though these causes may account for the behaviour of the princess, they had nowise prepared the king to expect so astonishing an event. He burst into tears, when the first intelligence of it was conveyed to him. Undoubtedly he foresaw in this incident the total expiration of his royal authority: But the nearer and more intimate concern of a parent laid hold of his heart; when he found himself abandoned in his uttermost distress by a child, and a virtuous child, whom he had ever regarded with the most tender affection. "God help me," cried he, in the extremity of his agony, "my "own children have forsaken me!" It is indeed singular, that a prince, whose chief blame consisted in imprudences, and misguided principles, should be exposed, from religious antipathy, to such treatment as even Nero, Domitian, or the most enormous tyrants, that have disgraced the records of history, never met with from their friends and family.

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So violent were the prejudices, which at this time prevailed, that this unhappy father, who had been deserted by his favourite child, was believed, upon her disappearing, to have put her to death: And it was fortunate, that the truth was timely discovered; otherwise the populace, even the king's guards themselves, might have been engaged, in revenge, to commence a massacre of the priests and catholics.

THE king's fortune now exposed him to the contempt of his enemies; and his behaviour was not such as could gain him the esteem of his friends and adherents. Unable to resist the torrent, he preserved not presence of mind in yielding to it; but seemed in this emergence as much depressed with adversity, as he had before been vainly elated by prosperity. He called a council of all the peers and prelates who were in London; and followed

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lowed their advice in issuing writs for a new parliament, and in sending Halifax, Nottingham, and Godolphin as commissioners to treat with the prince of Orange. But these were the last acts of royal authority which he exerted. He even hearkened to imprudent counsel, by which he was prompted to desert the throne, and to gratify his enemies beyond what their fondest hopes could have promised them.

THE queen, observing the fury of the people, and knowing how much she was the object of general hatred, was struck with the deepest terror, and began to apprehend a parliamentary impeachment, from which, she was told, the queens of England were not exempted. The popish courtiers, and above all, the priests, were aware, that they should be the first sacrifice, and that their perpetual banishment was the smallest penalty, which they must expect from national resentment. They were, therefore, desirous of carrying the king along with them; whose presence, they knew, would still be some resource and protection to them in foreign countries, and whose restoration, if it ever happened, would again re-instate them in power and authority. The general defection of the protestants made the king regard the catholics, as his only subjects, on whose counsel he could rely; and the fatal catastrophe of his father afforded them a plausible reason for making him apprehend a like fate. The great difference of circumstances was not, during men's present distractions, sufficiently weighed. Even after the people were inflamed by a long civil war, the execution of Charles I. could not be deemed a national deed: It was perpetrated by a fanatical army, pushed on by a daring and enthusiastical leader; and the whole kingdom had ever entertained, and did still entertain, a violent abhorrence against that enormity. The situation of public affairs, therefore, no more resembled what it was forty years

before, than the prince of Orange, either in birth, character, fortune, or connexions, could be supposed a parallel to Cromwel. CHAP. LXXI. 1688.

THE emissaries of France, and among the rest, Barillon, the French ambassador, were busy about the king; and they had entertained a very false notion, which they instilled into him, that nothing would more certainly retard the public settlement, and beget universal confusion, than his deserting the kingdom. The prince of Orange had with good reason embraced a contrary opinion; and he deemed it extremely difficult to find expedients for securing the nation, so long as the king kept possession of the crown. Actuated, therefore, by this public motive, and no less, we may well presume, by private ambition, he was determined to use every expedient, which might intimidate the king, and make him quit that throne, which he himself was alone enabled to fill. He declined a personal conference with James's commissioners, and sent the earls of Clarendon and Oxford to treat with them: The terms, which he proposed, implied almost a present participation of the sovereignty: And he stopped not a moment the march of his army towards London.

THE news, which the king received from all quarters, served to continue the panic, into which he was fallen, and which his enemies expected to improve to their advantage. Colonel Copel, deputy governor of Hull, made himself master of that important fortress; and threw into prison lord Langdale, the governor, a catholic; together with lord Montgomery, a nobleman of the same religion. The town of Newcastle received lord Lumley, and declared for the prince of Orange and a free parliament. The duke of Norfolk, lord lieutenant of the county of that name, engaged it in the same measure. The prince's declaration was read at Oxford by

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by the duke of Ormond, and was received with great applauſe by that loyal univerſity, who alſo made an offer of their plate to the prince. Every day, ſome perſon of quality or diſtinction, and among the reſt, the duke of Somerſet, went over to the enemy. A violent declaration was diſperſed in the prince's name, but without his participation; in which every one was commanded to ſeize and puniſh all papiſts, who, contrary to law, pretended either to carry arms, or exerciſe any act of authority. It may not be unworthy of notice, that a merry ballad, called Lilliballero, being at this time publiſhed in deriſion of the papiſts and the Iriſh, it was greedily received by the people, and was ſung by all ranks of men, even by the king's army, who were ſtrongly ſeized with the national ſpirit. This incident both diſcovered, and ſerved to encreaſe, the general diſcontent of the kingdom.

THE contagion of mutiny and diſobedience had alſo reached Scotland, whence the regular forces, contrary to the advice of Balcarras, the treaſurer, were withdrawn, in order to re-inforce the Engliſh army. The marqueſs of Athole, together with viſcount Tarbat, and others, finding the opportunity favourable, began to form intrigues againſt Perth, the chancellor; and the preſbyterians and other malcontents flocked from all quarters to Edinburgh. The chancellor, apprehenſive of the conſequences, found it expedient to abſcond; and the populace, as if that event were a ſignal for their inſurrection, immediately roſe in arms, and rifled the popiſh chapel in the king's palace. All the catholics, even all the zealous royaliſts, were obliged to conceal themſelves; and the privy council, inſtead of their former ſubmiſſive ſtrains of addreſs to the king, and violent edicts againſt their fellow ſubjects, now made applications to the prince of Orange, as the reſtorer of law and liberty.

THE

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THE king every moment alarmed, more and more, by these proofs of a general disaffection, not daring to repose trust in any but those who were exposed to more danger than himself, agitated by disdain towards ingratitude, by indignation against disloyalty, impelled by his own fears and those of others, precipitately embraced the resolution of escaping into France; and he sent off beforehand the queen and the infant prince, under the conduct of count Lauzun, an old favourite of the French monarch. He himself disappeared in the night-time, attended only by Sir Edward Hales; and made the best of his way to a ship, which waited for him near the mouth of the river. As if this measure had not been the most grateful to his enemies of any that he could adopt, he had carefully concealed his intention from all the world; and nothing could equal the surprize, which seized the city, the court, and the kingdom, upon the discovery of this strange event. Men beheld, all of a sudden, the reins of government thrown up by the hand which held them; and saw none, who had any right or even pretension, to take possession of them.

and flight, 12th Dec.

THE more effectually to involve every thing in confusion, the king appointed not any one, who should, in his absence, exercise any part of the administration; he threw the great seal into the river; and he recalled all those writs, which had been issued for the election of the new parliament. It is often supposed, that the sole motive, which impelled him to this sudden desertion, was his reluctance to meet a free parliament, and his resolution not to submit to those terms, which his subjects would deem requisite for the security of their liberties and their religion. But it must be considered, that his subjects had first deserted him, and entirely lost his confidence; that he might reasonably be supposed to entertain fears for his liberty, if not for his life; and that the con-

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conditions would not probably be moderate, which the nation, ſenſible of his inflexible temper, enraged with the violation of their laws and the danger of their religion, and foreſeeing his reſentment on account of their paſt reſiſtance, would, in his preſent circumſtances, exact from him.

By this temporary diſſolution of government, the populace were maſters; and there was no diſorder, which, during their preſent ferment, might not be dreaded from them. They roſe in a tumult and deſtroyed all the maſs-houſes. They even attacked and rifled the houſes of the Florentine envoy and Spaniſh ambaſſador, where many of the catholics had lodged their moſt valuable effects. Jefferies, the chancellor, who had diſguiſed himſelf, in order to fly the kingdom, was diſcovered by them, and ſo abuſed, that he died a little after. Even the army, which ſhould have ſuppreſſed thoſe tumults, would, it was apprehended, ſerve rather to encreaſe the general diſorder. Feverſham had no ſooner heard of the king's flight, than he diſbanded the troops in the neighbourhood, and without either diſarming or paying them, let them looſe to prey upon the country.

In this extremity, the biſhops and peers, who were in town, being the only remaining authority of the ſtate (for the privy council, compoſed of the king's creatures, was totally diſregarded) thought proper to aſſemble, and to interpoſe for the preſervation of the community. They choſe the marqueſs of Halifax ſpeaker: They gave directions to the mayor and aldermen for keeping the peace of the city: They iſſued orders, which were readily obeyed, to the fleet, the army, and all the garriſons: And they made applications to the prince of Orange, whoſe enterprize they highly applauded, and whoſe ſucceſs they joyfully congratulated.

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THE prince on his part was not wanting to the tide of ſucceſs, which flowed in upon him, nor backward in aſſuming that authority, which the preſent exigency had put into his hands. Beſides the general popularity, attending his cauſe, a new incident made his approach to London ſtill more grateful. In the preſent trepidation of the people, a rumour aroſe, either from chance or deſign, that the diſbanded Iriſh had taken arms, and had commenced an univerſal maſſacre of the proteſtants. This ridiculous belief was ſpread all over the kingdom in one day; and begat every where the deepeſt conſternation. The alarum bells were rung; the beacons fired; men fancied that they ſaw at a diſtance the ſmoke of the burning cities, and heard the groans of thoſe who were ſlaughtered in their neighbourhood. It is ſurprizing, that the catholics did not all periſh, in the rage which naturally ſucceeds to ſuch popular panics.

WHILE every one from principle, intereſt, or animoſity, turned his back on the unhappy king, who had abandoned his own cauſe, the unwelcome news arrived, that he had been ſeized by the populace at Feverſham, as he was making his eſcape in diſguiſe; that he had been much abuſed, till he was known; but that the gentry had then interpoſed and protected him, though they ſtill refuſed to conſent to his eſcape. This intelligence threw all parties into confuſion. The prince ſent Zuyleſtein with orders, that the king ſhould approach no nearer than Rocheſter; but the meſſage came too late. He was already arrived in London, where the populace, moved by compaſſion for his unhappy fate, and actuated by their own levity, had received him with ſhouts and acclamations. King ſeized at Feverſham.

DURING the king's abode at Whitehall, little attention was payed to him by the nobility or any perſons of diſtinction. They had, all of them, been previouſly diſ-

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disgusted on account of his blind partiality to the catholics; and they knew, that they were now become criminal in his eyes by their late public applications to the prince of Orange. He himself shewed not any symptom of spirit, nor discovered any intention of resuming the reins of government, which he had once thrown aside. His authority was now plainly expired; and as he had exercised his power, while possessed of it, with very precipitate and haughty counsels, he relinquished it by a despair, equally precipitate and pusillanimous.

NOTHING remained for the now ruling powers but to deliberate how they should dispose of his person. Besides, that the prince may justly be supposed to have possessed more generosity than to think of offering violence to an unhappy monarch, so nearly related to him, he knew, that nothing would so effectually promote his own views as the king's retiring into France, a country at all times obnoxious to the English. It was determined, therefore, to push him into that measure, which, of himself, he seemed sufficiently inclined to embrace. The king having sent lord Feversham on a civil message to the prince, desiring a conference for an accommodation in order to the public settlement, that nobleman was put in arrest, under pretence of his coming without a passport: The Dutch guards were ordered to take possession of Whitehall, where James then resided, and to displace the English: And Halifax, Shrewsbury, and Delamere, brought a message from the prince, which they delivered to the king in bed after midnight, ordering him to leave his palace next morning, and to depart for Ham, a seat of the dutchess of Lauderdale's. He desired permission, which was easily granted, of retiring to Rochester, a town near the sea-coast. It was perceived, that the artifice had taken effect; and that the king, terrified with this

this harsh treatment, had renewed his former resolution of leaving the kingdom. CHAP. LXXI. 1688.

He lingered, however, some days at Rochester, under the protection of a Dutch guard, and seemed desirous of an invitation still to keep possession of the throne. He was undoubtedly sensible, that, as he had, at first, trusted too much to his people's loyalty, and in confidence of their submission, had offered the greatest violence to their principles and prejudices; so had he, at last, on finding his disappointment, gone too far in the other extreme, and had hastily supposed them destitute of all sense of duty or allegiance. But observing, that the church, the nobility, the city, the country, all concurred in neglecting him, and leaving him to his own counsels, he submitted to his melancholy fate; and being urged by earnest letters from the queen, he privately embarked on board a frigate which waited for him; and he arrived safely at Ambleteuse in Picardy, whence he hastened to St. Germains. Lewis received him with the highest generosity, sympathy, and regard; a conduct, which, more than his most signal victories, contributes to the honour of that great monarch. Second escape. 23d Dec.

Thus ended the reign of a prince, whom, if we consider his personal character rather than his public conduct, we may safely pronounce more unfortunate than criminal. He had many of those qualities, which form a good citizen: Even some of those, which, had they not been swallowed up in bigotry and arbitrary principles, serve to compose a good sovereign. In domestic life, his conduct was irreproachable, and is intitled to our approbation. Severe, but open in his enmities, steady in his counsels, diligent in his schemes, brave in his enterprizes, faithful, sincere, and honourable in his dealings with all men: Such was the character with which the duke of York mounted the throne of England. In that high King's character.

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ſtation, his frugality of public money was remarkable, his induſtry exemplary, his application to naval affairs ſucceſsful, his encouragement of trade judicious, his jealouſy of national honour laudable: What then was wanting to make him an excellent ſovereign? A due regard and affection to the religion and conſtitution of his country. Had he been poſſeſſed of this eſſential quality, even his middling talents, aided by ſo many virtues, would have rendered his reign honourable and happy. When it was wanting, every excellency, which he poſſeſſed, became dangerous and pernicious to his kingdoms.

THE ſincerity of this prince (a virtue, on which he highly valued himſelf) has been much queſtioned in thoſe reiterated promiſes, which he had made of preſerving the liberties and religion of the nation. It muſt be confeſſed, that his reign was almoſt one continued invaſion of both; yet it is known, that, to his laſt breath, he perſiſted in aſſerting, that he never meant to ſubvert the laws, or procure more than a toleration and an equality of privileges to his catholic ſubjects. This queſtion can only affect the perſonal character of the king, not our judgment of his public conduct. Though by a ſtretch of candour we ſhould admit of his ſincerity in theſe profeſſions, the people were equally juſtifiable in their reſiſtance of him. So lofty was the idea, which he had entertained of his *legal* authority, that it left his ſubjects little or no right to liberty, but what was dependent on his ſovereign will and pleaſure. And ſuch was his zeal for proſelytiſm, that, whatever he might at firſt have intended, he plainly ſtopped not at toleration and equality: He confined all power, encouragement, and favour to the catholics: Converts from intereſt would ſoon have multiplied upon him: If not the greater, at leaſt the better part of the people, he would have flattered himſelf, was brought over to his religion: And he would in a little time

time have thought it juſt, as well as pious, to beſtow on them all the public eſtabliſhments. Rigours and perſecutions againſt heretics would ſpeedily have followed; and thus liberty and the proteſtant religion would in the iſſue have been totally ſubverted; though we ſhould not ſuppoſe, that James, in the commencement of his reign, had formally fixed a plan for that purpoſe. And on the whole, allowing this king to have poſſeſſed good qualities and good intentions, his conduct ſerves only, on that very account, as a ſtronger proof, how dangerous it is to allow any prince, infected with the catholic ſuperſtition, to wear the crown of theſe kingdoms. CHAP. LXXI. 1688.

AFTER this manner, the courage and abilities of the prince of Orange, ſeconded by ſurpriſing fortune, had effected the deliverance of this iſland; and with very little effuſion of blood (for only one officer of the Dutch army and a few private ſoldiers fell in an accidental ſkirmiſh) had dethroned a great prince, ſupported by a formidable fleet and a numerous army. Still the more difficult taſk remained, and what perhaps the prince regarded as not the leaſt important: The obtaining for himſelf that crown, which had fallen from the head of his father-in-law. Some lawyers, entangled in the ſubtleties and forms of their profeſſion, could think of no expedient; but that the prince ſhould claim the crown by right of conqueſt; ſhould immediately aſſume the title of ſovereign; and ſhould call a parliament, which, being thus legally ſummoned by a king in poſſeſſion, could ratify whatever had been tranſacted before they aſſembled. But this meaſure, being deſtructive of the principles of liberty, the only principles on which his future throne could be eſtabliſhed, was prudently rejected by the prince, who, finding himſelf poſſeſſed of the good-will of the nation, reſolved to leave them entirely to their own guidance and direction. The peers and biſhops, to

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1688. the number of near ninety, made an addreſs, deſiring him to ſummon a convention by circular letters; to aſſume, in the mean time, the management of public affairs; and to concert meaſures for the ſecurity of Ireland. At the ſame time, they refuſed reading a letter, which the king had left, in order to apologize for his late deſertion, by the violence which had been put upon him. This ſtep was a ſufficient indication of their intentions with regard to that unhappy monarch.

THE prince ſeemed ſtill unwilling to act upon an authority, which might be deemed ſo imperfect: He was deſirous of obtaining a more expreſs declaration of the public conſent. A judicious expedient was fallen on for that purpoſe. All the members, who had ſitten in the houſe of commons during any parliament of Charles II. (the only parliaments whoſe election was regarded as free) were invited to meet; and to them were added the mayor, aldermen, and fifty of the common council. This was regarded as the moſt proper repreſentative of the people, that could be ſummoned during the preſent emergence. They unanimouſly voted the ſame addreſs with the lords: And the prince, being thus ſupported by all the legal authority, which could poſſibly be obtained in this critical juncture, wrote circular letters to the counties and corporations of England; and his orders were univerſally complied with. A profound tranquillity prevailed throughout the kingdom; and the prince's adminiſtration was ſubmitted to, as if he had ſucceeded in the moſt regular manner to the vacant throne. The fleet received his orders: The army, without murmur or oppoſition, allowed him to new model them: And the city ſupplied him with a loan of two hundred thouſand pounds.

Convention ſummoned.

1689. THE conduct of the prince with regard to Scotland, was founded on the ſame prudent and moderate maxims.

Finding,

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1689. 7th Jan. Settlement of Scotland.

Finding, that there were many Scotchmen of rank at that time in London, he ſummoned them together, laid before them his intentions, and aſked their advice in the preſent emergency. This aſſembly, conſiſting of thirty noblemen and about fourſcore gentlemen, choſe duke Hamilton preſident; a man, who, being of a temporizing character, was determined to pay court to the preſent authority. His eldeſt ſon, the earl of Arran, profeſſed an adherence to king James; a uſual policy in Scotland, where the father and ſon, during civil commotions, were often obſerved to take oppoſite ſides; in order to ſecure in all events the family from attainder. Arran propoſed to invite back the king upon conditions; but as he was vehemently oppoſed in this motion by Sir Patric Hume, and ſeconded by nobody, the aſſembly made an offer to the prince of the preſent adminiſtration, which he willingly accepted. To anticipate a little in our narration; a convention, by circular letters from the prince, was ſummoned at Edinburgh on the twenty-ſecond of March; where it was ſoon viſible, that the intereſt of the malcontents would entirely prevail. The more zealous royaliſts, regarding this aſſembly as illegal, had forborn to appear at elections; and the other party were returned for moſt places. The revolution was not, in Scotland as in England, effected by a coalition of whig and tory: The former party alone had overpowered the government, and were too much enraged by the paſt injuries, which they had ſuffered, to admit of any compoſition with their former maſters. As ſoon as the purpoſe of the convention was diſcovered, the earl of Balcarras and viſcount Dundee, leaders of the tories, withdrew from Edinburgh; and the convention having paſſed a bold and deciſive vote, that king James, by his mal-adminiſtration, and his abuſe of power, had *forfeited* all title to the

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crown, they made a tender of the royal dignity to the prince and princeſs of Orange.

1689. 22d Jan. Engliſh convention meets.

THE Engliſh convention was aſſembled; and it immediately appeared, that the houſe of commons, both from the prevailing humour of the people, and from the influence of preſent authority, were moſtly choſen from among the whig party. After thanks were unanimouſly given by both houſes to the prince of Orange for the deliverance, which he had brought them, a leſs deciſive vote, than that of the Scottiſh convention, was in a few days paſſed by a great majority of the commons, and ſent up to the peers for their concurrence. It was contained in theſe words: "That king James II. having endeavoured to ſubvert the conſtitution of the kingdom, by breaking the original contract between king and people; and having, by the advice of jeſuits and other wicked perſons, violated the fundamental laws, and withdrawn himſelf out of the kingdom, has abdicated the government, and that the throne is thereby vacant." This vote, when carried to the upper houſe, met with great oppoſition; of which it is here neceſſary for us to explain the cauſes.

THE tories and the high-church party, finding themſelves at once menaced with a ſubverſion of the laws and of their religion, had zealouſly promoted the national revolt, and had on this occaſion departed from thoſe principles of non-reſiſtance, of which, while the king favoured them, they had formerly made ſuch loud profeſſions. Their preſent apprehenſions had prevailed over their political tenets; and the unfortunate James, who had too much truſted to thoſe general declarations, which never will be reduced to practice, found in the iſſue, that both parties were ſecretly united againſt him. But no ſooner was the danger paſt, and the general fears ſomewhat allayed, than party prejudices reſumed, in ſome degree,

degree, their former authority; and the tories were abaſhed at that victory, which their antagoniſts, during the late tranſactions, had obtained over them. They were inclined, therefore, to ſteer a middle courſe; and, though generally determined to oppoſe the king's return, they reſolved not to conſent to dethroning him, or altering the line of ſucceſſion. A regent with kingly power was the expedient, which they propoſed; and a late inſtance in Portugal ſeemed to give ſome authority and precedent to that plan of government.

Views of the parties.

In favour of this ſcheme the tories urged, that, by the uniform tenor of the Engliſh laws, the title to the crown was ever regarded as ſacred, and could, on no account, and by no mal-adminiſtration, be forfeited by the ſovereign: That to dethrone a king and to elect his ſucceſſor, was a practice quite unknown to the conſtitution, and had a tendency to render kingly power entirely dependent and precarious: That where the ſovereign, from his tender years, from lunacy, or from other natural infirmity, was incapacitated to hold the reins of government, both the laws and former practice agreed in appointing a regent, who, during the interval, was inveſted with the whole power of the adminiſtration: That the inveterate and dangerous prejudices of king James had rendered him as unfit to ſway the Engliſh ſcepter, as if he had fallen into lunacy; and it was therefore natural for the people to have recourſe to the ſame remedy: That the election of one king was a precedent for the election of another; and the government, by that means, would either degenerate into a republic, or, what was worſe, into a turbulent and ſeditious monarchy: That the caſe was ſtill more dangerous, if there remained a prince, who claimed the crown by right of ſucceſſion, and diſputed, on ſo plauſible a ground, the title of the preſent ſovereign: That though the doctrine of non-reſiſtance might not, in every poſ-

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sible circumstance, be absolutely true, yet was the belief of it very expedient; and to establish a government, which should have the contrary principle for its basis, was to lay a foundation for perpetual revolutions and convulsions: That the appointment of a regent was indeed exposed to many inconveniencies; but so long as the line of succession was preserved entire, there was still a prospect of putting an end, some time or other, to the public disorders: And that scarcely an instance occurred in history, especially in the English history, where a disputed title had not, in the issue, been attended with much greater ills, than all those, which the people had sought to shun, by departing from the lineal successor.

THE leaders of the whig party, on the other hand, asserted, that, if there were any ill in the precedent, that ill would result as much from establishing a regent, as from dethroning one king, and appointing his successor; nor would the one expedient, if wantonly and rashly embraced by the people, be less the source of public convulsions than the other: That if the laws gave no express permission to depose the sovereign, neither did they authorize resisting his authority, or separating the power from the title: That a regent was unknown, except where the king, by reason of his tender age or his infirmities, was incapable of a will; and in that case, his will was supposed to be involved in that of the regent: That it would be the height of absurdity to try a man for acting upon a commission, received from a prince, whom we ourselves acknowledge to be the lawful sovereign; and no jury would decide so contrary both to law and common sense, as to condemn such a pretended criminal: That even the prospect of being delivered from this monstrous inconvenience was, in the present situation of affairs, more distant than that of putting an end to a disputed succession: That allowing the young prince to be the legiti-

mate

mate heir, he had been carried abroad; he would be educated in principles destructive of the constitution and established religion; and he would probably leave a son, liable to the same insuperable objection: That if the whole line were cut off by law, the people would in time forget or neglect their claim; an advantage, which could not be hoped for, while the administration was conducted in their name, and while they were still acknowledged to possess the legal title: And that a nation, thus perpetually governed by regents or protectors, approached much nearer to a republic than one subject to monarchs, whose hereditary regular succession, as well as present authority, was fixed and appointed by the people. 1689.

THIS question was agitated with great zeal by the opposite parties in the house of peers. The chief speakers among the tories were Clarendon, Rochester, and Nottingham; among the whigs, Halifax and Danby. The question was carried for a king by two voices only, fifty-one against forty-nine. All the prelates, except two, the bishops of London and Bristol, voted for a regent. The primate, a disinterested but pusillanimous man, kept at a distance, both from the prince's court and from parliament.

THE house of peers proceeded next to examine piecemeal the vote, sent up to them by the commons. They debated, "Whether there were an original contract be-"tween king and people?" and the affirmative was carried by fifty-three against forty-six; a proof that the tories were already losing ground. The next question was, "Whether king James had broken that original con-"tract?" and after a slight opposition, the affirmative prevailed. The lords proceeded to take into consideration the word *abdicated*; and it was carried, that *deserted* was more proper. The concluding question was, "Whe-"ther king James having broken the original contract,

"and

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"and *deserted* the government, the throne was thereby "vacant?" This question was debated with more heat and contention than any of the former; and upon a division, the tories prevailed by eleven voices, and it was carried to omit the last article, with regard to the vacancy of the throne. The vote was sent back to the commons with these amendments.

THE earl of Danby had entertained the project of bestowing the crown solely upon the princess of Orange, and of admitting her as hereditary legal successor to king James: Passing by the infant prince as illegitimate or suppositious. His change of party in the last question gave the tories so considerable a majority in the number of voices.

Free conferences betwixt the houses.

THE commons still insisted on their own vote, and sent up reasons, why the lords should depart from their amendments. The lords were not convinced; and it was necessary to have a free conference, in order to settle this controversy. Never surely was national debate more important, or managed by more able speakers; yet is one surprised to find the topics, insisted on by both sides, so frivolous; more resembling the verbal disputes of the schools than the solid reasonings of statesmen and legislators. In public transactions of such consequence, the true motives, which produce any measure, are seldom avowed. The whigs, now the ruling party, having united with the tories, in order to bring about the revolution, had so much deference for their new allies, as not to insist, that the crown should be declared *forfeited*, on account of the king's mal-administration: Such a declaration, they thought, would imply too express a censure of the old tory principles, and too open a preference of their own. They agreed, therefore, to confound together the king's abusing his power, and his withdrawing from the kingdom; and they called the whole an *abdication*;

tion; as if he had given a virtual, though not a verbal, consent to dethroning himself. The tories took advantage of this obvious impropriety, which had been occasioned merely by the complaisance or prudence of the whigs; and they insisted upon the word *desertion*, as more significant and intelligible. It was retorted on them, that, however that expression might be justly applied to the king's withdrawing himself, it could not, with any propriety, be extended to his violation of the fundamental laws. And thus both parties, while they warped their principles from regard to their antagonists, and from prudential considerations, lost the praise of consistence and uniformity. CHAP. LXXI. 1689.

THE managers for the lords next insisted, that, even allowing the king's abuse of power to be equivalent to an abdication, or in other words, to a civil death, it could operate no otherwise than his voluntary resignation or his natural death; and could only make way for the next successor. It was a maxim of English law, *that the throne was never vacant*; but instantly, upon the demise of one king, was filled with his legal heir, who was entitled to all the authority of his predecessor. And however young or unfit for government the successor, however unfortunate in his situation, though he were even a captive in the hands of public enemies; yet no just reason, they thought, could be assigned, why, without any default of his own, he should lose a crown, to which, by birth, he was fully intitled. The managers for the commons might have opposed this reasoning by many specious and even solid arguments. They might have said, that the great security for allegiance being merely opinion, any scheme of settlement should be adopted, in which, it was most probable, the people would acquiesce and persevere. That though, upon the natural death of a king, whose administration had been agreeable to the laws, many and

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great inconveniencies would be endured rather than exclude his lineal ſucceſſor; yet the caſe was not the ſame, when the people had been obliged, by their revolt, to dethrone a prince, whoſe illegal meaſures had, in every circumſtance, violated the conſtitution. That in theſe extraordinary revolutions, the government reverted, in ſome degree, to its firſt principles, and the community acquired a right of providing for the public intereſt by expedients, which, on other occaſions, might be deemed violent and irregular. That the recent uſe of one extraordinary remedy reconciled the people to the practice of another, and more familiarized their minds to ſuch licences, than if the government had run on in its uſual tenor. And that king James, having carried abroad his ſon, as well as withdrawn himſelf, had given ſuch juſt provocation to the kingdom, had voluntarily involved it in ſuch difficulties, that the intereſts of his family were juſtly ſacrificed to the public ſettlement and tranquillity. Though theſe topics ſeem reaſonable, they were entirely forborne by the whig managers; both becauſe they implied an acknowledgment of the infant prince's legitimacy, which it was agreed to keep in obſcurity, and becauſe they contained too expreſs a condemnation of tory principles. They were content to maintain the vote of the commons by ſhifts and evaſions; and both ſides parted at laſt without coming to any agreement.

BUT it was impoſſible for the public to remain long in the preſent ſituation. The perſeverance, therefore, of the lower houſe obliged the lords to comply; and by the deſertion of ſome peers to the whig party, the vote of the commons, without any alteration, paſſed by a majority of fifteen in the upper houſe, and received the ſanction of every part of the legiſlature, which then ſubſiſted.

IT happens unluckily for thoſe, who maintain an original contract between the magiſtrate and people, that great

great revolutions of government, and new ſettlements of civil conſtitutions, are commonly conducted with ſuch violence, tumult, and diſorder, that the public voice can ſcarcely ever be heard; and the opinions of the citizens are at that time leſs attended to than even in the common courſe of adminiſtration. The preſent tranſactions in England, it muſt be confeſſed, are a ſingular exception to this obſervation. The new elections had been carried on with great tranquillity and freedom: The prince had ordered the troops to depart from all the towns, where the voters aſſembled: A tumultuary petition to the two houſes having been promoted, he took care, though the petition was calculated for his advantage, effectually to ſuppreſs it: He entered into no intrigues, either with the electors or the members: He kept himſelf in a total ſilence, as if he had been no wiſe concerned in theſe tranſactions: And ſo far from forming cabals with the leaders of parties, he diſdained even to beſtow careſſes on thoſe, whoſe aſſiſtance might be uſeful to him. This conduct was highly meritorious, and diſcovered great moderation and magnanimity; even though the prince unfortunately, through the whole courſe of his life, and on every occaſion, was noted for an addreſs ſo cold, dry, and diſtant, that it was very difficult for him, on account of any intereſt, to ſoften or familiarize it.

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At length, the prince deigned to break ſilence, and to expreſs, though in a private manner, his ſentiments on the preſent ſituation of affairs. He called together Halifax, Shrewſbury, Danby, and a few more; and he told them, that, having been invited over to reſtore their liberty, he had engaged in this enterprize, and had at laſt happily effected his purpoſe. That it belonged to the parliament, now choſen and aſſembled with freedom, to concert meaſures for the public ſettlement; and he pretended not to interpoſe in their determinations. That he heard

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heard of several schemes proposed for establishing the government: Some insisted on a regent; others were desirous of bestowing the crown on the princess: It was their concern alone to chuse the plan of administration most agreeable or advantageous to them. That if they judged it proper to settle a regent, he had no objection: He only thought it incumbent on him to inform them, that he was determined not to be the regent, nor ever to engage in a scheme, which, he knew, would be exposed to such insuperable difficulties. That no man could have a juster or deeper sense of the princess's merit than he was impressed with; but he would rather remain a private person than enjoy a crown, which must depend on the will or life of another. And that they must therefore make account, if they were inclined to either of these two plans of settlement, that it would be totally out of his power to assist them in carrying it into execution: His affairs abroad were too important to be abandoned for so precarious a dignity, or even to allow him so much leisure as would be requisite to introduce order into their disjointed government.

These views of the prince were seconded by the princess herself, who, as she possessed many virtues, was a most obsequious wife to a husband, who, in the judgment of the generality of her sex, would have appeared so little attractive and amiable. All considerations were neglected, when they came in competition with what she deemed her duty to the prince. When Danby and others of her partizans wrote her an account of their schemes and proceedings, she expressed great displeasure; and even transmitted their letters to her husband, as a sacrifice to conjugal fidelity. The princess Anne also concurred in the same plan for the public settlement; and being promised an ample revenue, was content to be postponed in the succession to the crown. And as the title of her infant brother

ther was, in the present establishment, entirely neglected, she might, on the whole, deem herself, in point of interest, a gainer by this revolution. CHAP. LXXI. 1689.

THE chief parties, therefore, being agreed, the convention passed a bill, in which they settled the crown on the prince and princess of Orange, the sole administration to remain in the prince: The princess of Denmark to succeed after the death of the prince and princess of Orange; her posterity after those of the princess, but before those of the prince by any other wife. The convention annexed to this settlement of the crown a declaration of rights, where all the points, which had, of late years, been disputed between the king and people, were finally determined; and the powers of royal prerogative were more narrowly circumscribed and more exactly defined, than in any former period of the English government. Settlement of the crown.

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THUS have we seen, through the course of four reigns, a continual struggle maintained between the crown and the people: Privilege and prerogative were ever at variance: And both parties, beside the present object of dispute, had many latent claims, which, on a favourable occasion, they produced against their adversaries. Governments too steady and uniform, as they are seldom free, so are they, in the judgment of some, attended with another sensible inconvenience: They abate the active powers of men; depress courage, invention, and genius; and produce an universal lethargy in the people. Though this opinion may be just, the fluctuation and contest, it must be allowed, of the English government were, during these reigns, much too violent both Manners, arts and sciences.

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both for the repoſe and ſafety of the people. Foreign affairs, at that time, were either entirely neglected, or managed to pernicious purpoſes: And in the domeſtic adminiſtration there was felt a continued fever, either ſecret or manifeſt; ſometimes the moſt furious convulſions and diſorders. The revolution forms a new epoch in the conſtitution; and was probably attended with conſequences more advantageous to the people, than barely freeing them from an exceptionable adminiſtration. By deciding many important queſtions in favour of liberty, and ſtill more, by that great precedent of depoſing one king, and eſtabliſhing a new family, it gave ſuch an aſcendant to popular principles, as has put the nature of the Engliſh conſtitution beyond all controverſy. And it may juſtly be affirmed, without any danger of exaggeration, that we, in this iſland, have ever ſince enjoyed, if not the beſt ſyſtem of government, at leaſt the moſt entire ſyſtem of liberty, that ever was known amongſt mankind.

To decry with ſuch violence, as is affected by ſome, the whole line of Stuart; to maintain, that their adminiſtration was one continued encroachment on the *inconteſtible* rights of the people; is not giving due honour to that great event, which not only put a period to their hereditary ſucceſſion, but made a new ſettlement of the whole conſtitution. The inconveniencies, ſuffered by the people under the two firſt reigns of that family (for in the main they were fortunate) proceeded in a great meaſure from the unavoidable ſituation of affairs; and ſcarcely any thing could have prevented thoſe events, but ſuch vigour of genius in the ſovereign, attended with ſuch good fortune, as might have enabled him entirely to overpower the liberties of his people. While the parliaments, in thoſe reigns, were taking advantage of the neceſſities of the prince, and attempting every ſeſſion to aboliſh, or circumſcribe, or define, ſome prerogative of the

the crown, and innovate in the usual tenor of government: What could be expected, but that the prince would exert himself, in defending, against such inveterate enemies, an authority, which, during the most regular course of the former English government, had been exercised without dispute or controversy? And though Charles II. in 1672, may with reason be deemed the aggressor, nor is it possible to justify his conduct; yet were there some motives surely, which could engage a prince, so soft and indolent, and at the same time so judicious, to attempt such hazardous enterprizes. He felt, that public affairs had reached a situation, at which they could not possibly remain without some farther innovation. Frequent parliaments were become almost absolutely necessary to the conducting of public business; yet these assemblies were still, in the judgment of the royalists, much inferior in dignity to the sovereign, whom they seemed better calculated to counsel than controul. The crown still possessed considerable power of opposing parliaments; and had not as yet acquired the means of influencing them. Hence a continual jealousy between these parts of the legislature: Hence the inclination mutually to take advantage of each other's necessities: Hence the impossibility, under which the king lay, of finding ministers, who could at once be serviceable and faithful to him. If he followed his own choice in appointing his servants, without regard to their parliamentary interest, a refractory session was instantly to be expected: If he chose them from among the leaders of popular assemblies, they either lost their influence with the people, by adhering to the crown, or they betrayed the crown, in order to preserve their influence. Neither Hambden, whom Charles I. was willing to gain at any price; nor Shaftesbury, whom Charles II. after the popish plot, attempted to engage in his counsels, would

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renounce their popularity for the precarious, and, as they eſteemed it, deceitful favour of the prince. The root of their authority they ſtill thought to lie in the parliament; and as the power of that aſſembly was not yet uncontroulable, they ſtill reſolved to augment it, though at the expence of the royal prerogatives.

It is no wonder, that theſe events have long, by the repreſentations of faction, been extremely clouded and obſcured. No man has yet ariſen, who has payed an entire regard to truth, and has dared to expoſe her, without covering or diſguiſe, to the eyes of the prejudiced public. Even that party amongſt us, which boaſts of the higheſt regard to liberty, has not poſſeſſed ſufficient liberty of thought in this particular; nor has been able to decide impartially of their own merit, compared with that of their antagoniſts. More noble perhaps in their ends, and highly beneficial to mankind; they muſt alſo be allowed to have often been leſs juſtifiable in the means, and in many of their enterprizes to have payed more regard to political than to moral conſiderations. Obliged to court the favour of the populace, they found it neceſſary to comply with their rage and folly; and have even, on many occaſions, by propagating calumnies, and by promoting violence, ſerved to infatuate, as well as corrupt that people, to whom they made a tender of liberty and juſtice. Charles I. was a tyrant, a papiſt, and a contriver of the Iriſh maſſacre: The church of England was relapſing faſt into idolatry: Puritaniſm was the only true religion, and the covenant the favourite object of heavenly regard. Through theſe deluſions the party proceeded, and, what may ſeem wonderful, ſtill to the encreaſe of law and liberty; till they reached the impoſture of the popiſh plot, a fiction which exceeds the ordinary bounds of vulgar credulity. But however ſingular theſe events may appear, there is really nothing altogether

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ther new in any period of modern history: And it is remarkable, that tribunitian arts, though sometimes useful in a free constitution, have usually been such as men of probity and honour could not bring themselves either to practice or approve. The other faction, which, since the revolution, has been obliged to cultivate popularity, sometimes found it necessary to employ like artifices.

THE Whig party, for a course of near seventy years, has, almost without interruption, enjoyed the whole authority of government; and no honours or offices could be obtained but by their countenance and protection. But this event, which, in some particulars, has been advantageous to the state, has proved destructive to the truth of history, and has established many gross falsehoods, which it is unaccountable how any civilized nation could have embraced with regard to its domestic occurrences. Compositions the most despicable, both for style and matter, have been extolled, and propagated, and read; as if they had equalled the most celebrated remains of antiquity [y]. And forgetting that a regard to liberty, though a laudable passion, ought commonly to be subordinate to a reverence for established government, the prevailing faction has celebrated only the partizans of the former, who pursued as their object the perfection of civil society, and has extolled them at the expence of their antagonists, who maintained those maxims, that are essential to its very existence. But extremes of all kinds are to be avoided; and though no one will ever please either faction by moderate opinions, it is there we are most likely to meet with truth and certainty.

WE shall subjoin to this general view of the English government, some account of the state of the finances, arms, trade, manners, arts, between the restoration and revolution.

[y] Such as Rapin Thoyras, Locke, Sidney, Hoadley, &c.

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THE revenue of Charles II. as ſettled by the long parliament, was put upon a very bad footing. It was too ſmall, if they intended to make him independant in the common courſe of his adminiſtration: It was too large, and ſettled during too long a period, if they reſolved to keep him in entire dependance. The great debts of the republic, which were thrown upon that prince; the neceſſity of ſupplying the naval and military ſtores, which were entirely exhauſted [z]; that of repairing and furniſhing his palaces: All theſe cauſes involved the king in great difficulties immediately after his reſtoration; and the parliament was not ſufficiently liberal in ſupplying him. Perhaps too he had contracted ſome debts abroad; and his bounty to the diſtreſſed cavaliers, though it did not correſpond either to their ſervices or expectations, could not fail, in ſome degree, to exhauſt his treaſury. The extraordinary ſums, granted the king during the firſt years, did not ſuffice for theſe extraordinary expences; and the exciſe and cuſtoms, the only conſtant revenue, amounted not to nine hundred thouſand pounds a-year, and fell much ſhort of the ordinary burthens of government. The addition of hearth-money in 1662, and of other two branches in 1669 and 1670, brought up the revenue to one million three hundred fifty-eight thouſand pounds, as we learn from lord Danby's account: But the ſame authority informs us, that the yearly expence of government was at that time one million three hundred eighty-ſeven thouſand ſeven hundred and ſeventy pounds [a]; without mentioning contingencies, which are always conſiderable, even under the moſt prudent ad-

[z] Lord Clarendon's ſpeech to the parliament, Oct. 9, 1665.

[a] Ralph's Hiſtory, vol. i. p. 288. We learn from that lord's Memoirs, p. 12. that the receipts of the Exchequer, during ſix years, from 1673 to 1679, were about eight millions two hundred thouſand pounds, or one million three hundred ſixty-ſix thouſand pounds a-year. See likewiſe, p. 169.

miniſtration.

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miniſtration. Thoſe branches of revenue, granted in 1669 and 1670, expired in 1680, and were never renewed by parliament: They were computed to be above two hundred thouſand pounds a-year. It muſt be allowed, becauſe aſſerted by all cotemporary authors of both parties, and even confeſſed by himſelf, that king Charles was ſomewhat profuſe and negligent. But it is likewiſe certain, that a very rigid frugality was requiſite to ſupport the government under ſuch difficulties. It is a familiar rule in all buſineſs, that every man ſhould be payed, in proportion to the truſt repoſed in him, and to the power, which he enjoys; and the nation ſoon found reaſon, from Charles's dangerous connexions with France, to repent their departure from that prudential maxim. Indeed, could the parliaments in the reign of Charles I. have been induced to relinquiſh ſo far their old habits, as to grant that prince the ſame revenue which was voted to his ſucceſſor, or had thoſe in the reign of Charles II. conferred on him as large a revenue as was enjoyed by his brother, all the diſorders in both reigns might eaſily have been prevented, and probably all reaſonable conceſſions to liberty might peaceably have been obtained from both monarchs. But theſe aſſemblies, unacquainted with public buſineſs, and often actuated by faction and fanaticiſm, could never be made ſenſible, but too late and by fatal experience, of the inceſſant change of times and ſituations. The French ambaſſador informs his court, that Charles was very well ſatisfied with his ſhare of power, could the parliament have been induced to make him tolerably eaſy in his revenue [b].

If we eſtimate the ordinary revenue of Charles II. at one million two hundred thouſand pounds a-year during his whole reign, the computation will rather exceed than fall below the true value. The convention parliament, after all the ſums, which they had granted the king to-

[b] Dalrymple's Appendix, p. 142.

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wards the payment of old debts, threw, the laſt day of their meeting, a debt upon him, amounting to one million ſeven hundred forty three thouſand two hundred ſixty-three pounds [c]. All the extraordinary ſums, which were afterwards voted him by parliament, amounted to eleven millions four hundred forty-three thouſand four hundred and ſeven pounds; which, divided by twenty-four, the number of years which that king reigned, make four hundred ſeventy-ſix thouſand eight hundred and eight pounds a-year. During that time, he had two violent wars to ſuſtain with the Dutch; and in 1678, he made expenſive preparations for a war with France. In the firſt Dutch war, both France and Denmark were allies to the United Provinces, and the naval armaments in England were very great; ſo that it is impoſſible he could have ſecreted any part, at leaſt any conſiderable part, of the ſums, which were then voted him by parliament.

To theſe ſums we muſt add about one million two hundred thouſand pounds, which had been detained from the bankers on ſhutting up the Exchequer in 1672. The king payed ſix per cent. for this money during the reſt of his reign [d]. It is remarkable, that, notwithſtanding this violent breach of faith, the king, two years after, borrowed money at eight per cent; the ſame rate of intereſt which he had payed before that event [e]. A proof, that public credit, inſtead of being of ſo delicate a nature, as we are apt to imagine, is, in reality, ſo hardy and robuſt, that it is very difficult to deſtroy it.

THE revenue of James was raiſed by the parliament to about one million eight hundred and fifty thouſand pounds [f]; and his income as duke of York, being added, made the whole amount to two millions a year; a ſum

[c] Journals, 29th of December, 1660.
[d] Danby's Memoirs, p. 7.
[e] Id. p. 65.
[f] Journ. 1ſt of March, 1689.

well

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well proportioned to the public neceſſities, but enjoyed by him in too independant a manner. The national debt at the revolution amounted to one million fifty-four thouſand nine hundred twenty-five pounds [g].

THE militia fell much to decay during theſe two reigns, partly by the policy of the kings, who had entertained a diffidence of their ſubjects, partly by that ill-judged law, which limited the king's power of muſtering and arraying them. In the beginning, however, of Charles's reign, the militia was ſtill deemed formidable. De Wit having propoſed to the French king an invaſion of England during the firſt Dutch war, that monarch replied, that ſuch an attempt would be entirely fruitleſs, and would tend only to unite the Engliſh. In a few days, ſaid he, after our landing, there will be fifty thouſand men at leaſt upon us [h].

CHARLES in the beginning of his reign had in pay near five thouſand men, of guards and garriſons. At the end of his reign he augmented this number to near eight thouſand. James on Monmouth's rebellion had on foot about fifteen thouſand men; and when the prince of Orange invaded him, there were no fewer than thirty thouſand regular troops in England.

THE Engliſh navy, during the greater part of Charles's reign, made a conſiderable figure, for number of ſhips, valour of the men, and conduct of the commanders. Even in 1678, the fleet conſiſted of eighty-three ſhips [i]; beſides thirty, which were at that time on the ſtocks. On the king's reſtoration he found only ſixty-three veſſels of all ſizes [k]. During the latter part of Charles's reign, the navy fell ſomewhat to decay, by reaſon of the narrowneſs of the king's revenue: But James, ſoon after his acceſſion, reſtored it to its former power and glory; and

[g] Journ 20th of March, 1689. [h] D'Eſtrades, 20th of October, 1666.
[i] Pepys's Memoirs, p. 4. [k] Memoirs of Engliſh affairs, chiefly naval.

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before he left the throne, carried it much farther. The administration of the admiralty under Pepys, is still regarded as a model for order and œconomy. The fleet at the revolution consisted of one hundred seventy-three vessels of all sizes; and required forty-two thousand seamen to man it [l]. That king, when Duke of York, had been the first inventor of sea-signals. The military genius, during these two reigns, had not totally decayed among the young nobility. Dorset, Mulgrave, Rochester, not to mention Ossory, served on board the fleet, and were present in the most furious engagements against the Dutch.

The commerce and riches of England did never, during any period, encrease so fast as from the restoration to the revolution. The two Dutch wars, by disturbing the trade of that republic, promoted the navigation of this island; and after Charles had made a separate peace with the States, his subjects enjoyed unmolested the trade of Europe. The only disturbance, which they met with, was from a few French privateers, who infested the channel; and Charles interposed not in behalf of his subjects with sufficient spirit and vigour. The recovery or conquest of New York and the Jerseys was a considerable accession to the strength and security of the English colonies; and, together with the settlement of Pensilvania and Carolina, which was effected during that reign, extended the English empire in America. The persecutions of the dissenters, or more properly speaking, the restraints imposed upon them, contributed to augment and people these colonies. Dr. Davenant affirms [m], that the shipping of England more than doubled during these twenty-eight years. Several new manufactures were established; in iron, brass, silk, hats, glass,

[l] Lives of the admirals, vol. ii. p. 476.

[m] Discourse on the public revenues, part ii. p. 29, 33, 36.

paper,

paper, &c. One Brewer, leaving the Low Countries, when they were threatened with a French conqueſt, brought the art of dying woollen cloth into England, and by that improvement ſaved the nation great ſums of money. The encreaſe of coinage during theſe two reigns was ten millions two hundred ſixty-one thouſand pounds. A board of trade was erected in 1670; and the earl of Sandwich was made preſident. Charles revived and ſupported the charter of the Eaſt-India company; a meaſure whoſe utility is by ſome thought doubtful: He granted a charter to the Hudſon's Bay company; a meaſure probably hurtful. CHAP. LXXI. 1689.

We learn from Sir Joſiah Child [n], that in 1688 there were on the Change more men worth 10,000 pounds than there were in 1650 worth a thouſand; that 500 pounds with a daughter was, in the latter period, deemed a larger portion than 2000 in the former; that gentlewomen, in thoſe earlier times, thought themſelves well cloathed in a ſerge gown, which a chambermaid would, in 1688, be aſhamed to be ſeen in; and that, beſides the great encreaſe of rich cloaths, plate, jewels, and houſehold furniture, coaches were in that time augmented a hundred fold.

The duke of Buckingham introduced from Venice the manufacture of glaſs and chriſtal into England. Prince Rupert was alſo an encourager of uſeful arts and manufactures: He himſelf was the inventor of etching.

The firſt law for erecting turnpikes was paſſed in 1662: The places of the turnpikes were Wadeſmill, Caxton, and Stilton: But the general and great improvement of highways took not place till the reign of George II.

In 1663, was paſſed the firſt law for allowing the exportation of foreign coin and bullion.

[n] Brief obſervations, &c.

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In 1667 was concluded the firſt American treaty between England and Spain: This treaty was made more general and complete in 1670. The two ſtates then renounced all right of trading with each others colonies; and the title of England was acknowledged to all the territories in America, of which ſhe was then poſſeſſed.

The French king, about the beginning of Charles's reign, laid ſome impoſitions on Engliſh commodities: And the Engliſh, partly diſpleaſed with this innovation, partly moved by their animoſity againſt France, retaliated, by laying ſuch reſtraints on the commerce with that kingdom as amounted almoſt to a prohibition. They formed calculations, by which they perſuaded themſelves, that they were loſers a million and a half or near two millions a year by the French trade. But no good effects were found to reſult from theſe reſtraints, and in king James's reign they were taken off by parliament.

Lord Clarendon tells us, that, in 1665, when money, in conſequence of a treaty, was to be remitted to the biſhop of Munſter, it was found, that the whole trade of England could not ſupply above 1000 pounds a month to Frankfort and Cologne, nor above 20,000 pounds a month to Hamburgh: Theſe ſums appear ſurpriſingly ſmall [o].

At the ſame time that the boroughs of England were deprived of their privileges, a like attempt was made on the colonies. King James recalled the charters, by which their liberties were ſecured; and he ſent over governors inveſted with abſolute power. The arbitrary principles of that monarch appear in every part of his adminiſtration.

[o] Life of Clarendon, p. 237.

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THE people, during these two reigns, were, in a great measure, cured of that wild fanaticism, by which they had formerly been so much agitated. Whatever new vices they might acquire, it may be questioned, whether, by this change, they were, in the main, much losers in point of morals. By the example of Charles II. and the cavaliers, licentiousness and debauchery became prevalent in the nation. The pleasures of the table were much pursued. Love was treated more as an appetite than a passion. The one sex began to abate of the national character of chastity, without being able to inspire the other with sentiment or delicacy.

THE abuses in the former age, arising from over-strained pretensions to piety, had much propagated the spirit of irreligion; and many of the ingenious men of this period lie under the imputation of deism. Besides wits and scholars by profession, Shaftesbury, Halifax, Buckingham, Mulgrave, Sunderland, Essex, Rochester, Sidney, Temple are supposed to have adopted these principles.

THE same factions, which formerly distracted the nation, were revived, and exerted themselves in the most ungenerous and unmanly enterprizes against each other. King Charles being in his whole deportment a model of easy and gentleman-like behaviour, improved the politeness of the nation; as much as faction, which of all things is most destructive to that virtue, could possibly permit. His courtiers were long distinguishable in England by their obliging and agreeable manners.

TILL the revolution, the liberty of the press was very imperfectly enjoyed in England, and during a very short period. The star-chamber, while that court subsisted, put effectual restraints upon printing. On the suppression of that tribunal in 1641, the long parliament, after their rupture

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rupture with the king, assumed the same power with regard to the licencing of books; and this authority was continued during all the period of the republic and protectorship [o]. Two years after the restoration, an act was passed, reviving the republican ordinances. This act expired in 1679; but was revived in the first of king James. The liberty of the press did not even commence with the revolution. It was not till 1694, that the restraints were taken off; to the great displeasure of the king, and his ministers, who, seeing no where, in any government, during present or past ages, any example of such unlimited freedom, doubted much of its salutary effects, and probably thought, that no books or writings would ever so much improve the general understanding of men, as to render it safe to entrust them with an indulgence so easily abused.

In 1677, the old law for burning heretics was repealed; a prudent measure, while the nation was in continual dread of the return of popery.

Amidst the thick cloud of bigotry and ignorance, which overspread the nation, during the commonwealth and protectorship, there were a few sedate philosophers, who, in the retirement of Oxford, cultivated their reason, and established conferences for the mutual communication of their discoveries in physics and geometry. Wilkins, a clergyman, who had married Cromwel's sister, and was afterwards bishop of Chester, promoted these philosophical conversations. Immediately after the restoration, these men procured a patent, and having enlarged their number, were denominated the *Royal Society*. But this patent was all they obtained from the king. Though Charles was a lover of the sciences, particularly chymistry and mechanics; he animated them by his example alone,

[o] Scobell, i. 44, 134. ii. 88, 230.

not

not by his bounty. His craving courtiers and miſtreſſes, by whom he was perpetually ſurrounded, engroſſed all his expence, and left him neither money nor attention for literary merit. His contemporary, Lewis, who fell ſhort of the king's genius and knowledge in this particular, much exceeded him in liberality. Beſides penſions conferred on learned men throughout all Europe, his academies were directed by rules and ſupported by ſalaries: A generoſity which does great honour to his memory; and in the eyes of all the ingenious part of mankind, will be eſteemed an atonement for many of the errors of his reign. We may be ſurprized, that this example ſhould not be more followed by princes; ſince it is certain that that bounty, ſo extenſive, ſo beneficial, and ſo much celebrated, coſt not this monarch ſo great a ſum as is often conferred on one uſeleſs overgrown favourite or courtier.

But though the French academy of ſciences was directed, encouraged and ſupported by the ſovereign, there aroſe in England ſome men of ſuperior genius who were more than ſufficient to caſt the balance, and who drew on themſelves and on their native country the regard and attention of Europe. Beſides Wilkins, Wren, Wallis, eminent mathematicians, Hooke, an accurate obſerver by microſcopes, and Sydenham, the reſtorer of true phyſic; there flouriſhed during this period a Boyle and a Newton; men who trod, with cautious, and therefore the more ſecure ſteps, the only road, which leads to true philoſophy.

Boyle improved the pneumatic engine invented by Otto Guericke, and was thereby enabled to make ſeveral new and curious experiments on the air as well as on other bodies: His chemiſtry is much admired by thoſe who are acquainted with that art: His hydroſtatics contain a greater mixture of reaſoning and invention with experiment

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ment than any other of his works; but his reasoning is still remote from that boldness and temerity, which had led astray so many philosophers. Boyle was a great partizan of the mechanical philosophy; a theory, which, by discovering some of the secrets of nature, and allowing us to imagine the rest, is so agreeable to the natural vanity and curiosity of men. He died in 1691, aged 65.

In Newton this island may boast of having produced the greatest and rarest genius that ever arose for the ornament and instruction of the species. Cautious in admitting no principles but such as were founded on experiment; but resolute to adopt every such principle, however new or unusual: From modesty, ignorant of his superiority above the rest of mankind; and thence, less careful to accommodate his reasonings to common apprehensions: More anxious to merit than acquire fame: He was from these causes long unknown to the world; but his reputation at last broke out with a lustre, which scarcely any writer, during his own life-time, had ever before attained. While Newton seemed to draw off the veil from some of the mysteries of nature, he shewed at the same time the imperfections of the mechanical philosophy; and thereby restored her ultimate secrets to that obscurity, in which they ever did and ever will remain. He died in 1727, aged 85.

This age was far from being so favourable to polite literature as to the sciences. Charles, though fond of wit, though possessed himself of a considerable share of it, though his taste in conversation seems to have been sound and just; served rather to corrupt than improve the poetry and eloquence of his time. When the theatres were opened at the restoration, and freedom was again given to pleasantry and ingenuity; men, after so long an abstinence, fed on these delicacies with less taste than avidity, and the coarsest and most irregular species of wit

was

was received by the court as well as by the people. The productions, repreſented at that time on the ſtage, were ſuch monſters of extravagance and folly; ſo utterly deſtitute of all reaſon or even common ſenſe; that they would be the diſgrace of Engliſh literature, had not the nation made atonement for its former admiration of them, by the total oblivion to which they are now condemned. The duke of Buckingham's Rehearſal, which expoſed theſe wild productions, ſeems to be a piece of ridicule carried to exceſs; yet in reality the copy ſcarcely equals ſome of the abſurdities, which we meet with in the originals [a].

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THIS ſevere ſatire, together with the good ſenſe of the nation, corrected, after ſome time, the extravagancies of the faſhionable wit; but the productions of literature ſtill wanted much of that correctneſs and delicacy, which we ſo much admire in the ancients, and in the French writers, their judicious imitators. It was indeed during this period chiefly, that that nation left the Engliſh behind them in the productions of poetry, eloquence, hiſtory, and other branches of polite letters; and acquired a ſuperiority, which the efforts of Engliſh writers, during the ſubſequent age, did more ſucceſsfully conteſt with them. The arts and ſciences were imported from Italy into this iſland as early as into France; and made at firſt more ſenſible advances. Spencer, Shakeſpeare, Bacon, Johnſon, were ſuperior to their cotemporaries, who flouriſhed in that kingdom. Milton, Waller, Denham, Cowley, Harvey were at leaſt equal to their cotemporaries. The reign of Charles II. which ſome prepoſterouſly repreſent as our Auguſtan age, retarded the progreſs of polite literature in this iſland; and it was then found that the immeaſurable licentiouſneſs, in-

[a] The duke of Buckingham died on the 16th of April, 1688.

dulged

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dulged or rather applauded at court, was more deſtructive to the refined arts, than even the cant, nonſenſe, and enthuſiaſm of the preceding period.

Most of the celebrated writers of this age remain monuments of genius, perverted by indecency and bad taſte; and none more than Dryden, both by reaſon of the greatneſs of his talents and the groſs abuſe which he made of them. His plays, excepting a few ſcenes, are utterly disfigured by vice or folly or both. His tranſlations appear too much the offspring of haſte and hunger: Even his fables are ill-choſen tales, conveyed in an incorrect, though ſpirited verſification. Yet amidſt this great number of looſe productions, the refuſe of our language, there are found ſome ſmall pieces, his Ode to St. Cecilia, the greater part of Abſalom and Achitophel, and a few more, which diſcover ſo great genius, ſuch richneſs of expreſſion, ſuch pomp and variety of numbers, that they leave us equally full of regret and indignation, on account of the inferiority or rather great abſurdity of his other writings. He died in 1701, aged 69.

The very name of Rocheſter is offenſive to modeſt ears; yet does his poetry diſcover ſuch energy of ſtyle and ſuch poignancy of ſatire, as give ground to imagine what ſo fine a genius, had he fallen in a more happy age, and had followed better models, was capable of producing. The ancient ſatyriſts often uſed great liberties in their expreſſions; but their freedom no more reſembles the licentiouſneſs of Rocheſter, than the nakedneſs of an Indian does that of a common proſtitute.

Wycherley was ambitious of the reputation of wit and libertiniſm; and he attained it: He was probably capable of reaching the fame of true comedy, and inſtructive ridicule. Otway had a genius finely turned to the pathetic; but he neither obſerves ſtrictly the rules of the drama, nor the rules, ſtill more eſſential, of propriety

and decorum. By one ſingle piece the duke of Buckingham did both great ſervice to his age and honour to himſelf. The earls of Mulgrave, Dorſet, and Roſcommon wrote in a good taſte; but their productions are either feeble or careleſs. The marqueſs of Halifax diſcovers a refined genius; and nothing but leiſure and an inferior ſtation ſeems wanting to have procured him eminence in literature. CHAP. LXXI. 1689.

Of all the conſiderable writers of this age, Sir William Temple is almoſt the only one, that kept himſelf altogether unpolluted by that inundation of vice and licentiouſneſs, which overwhelmed the nation. The ſtyle of this author, though extremely negligent, and even infected with foreign idioms, is agreeable and intereſting. That mixture of vanity which appears in his works, is rather a recommendation to them. By means of it, we enter into acquaintance with the character of the author, full of honour and humanity; and fancy that we are engaged, not in the peruſal of a book, but in converſation with a companion. He died in 1698, aged 70.

Though Hudibras was publiſhed, and probably compoſed during the reign of Charles II. Butler may juſtly, as well as Milton be thought to belong to the foregoing period. No compoſition abounds ſo much as Hudibras in ſtrokes of juſt and inimitable wit; yet are there many performances, which give us great or greater entertainment on the whole peruſal. The alluſions in Butler are often dark and far-fetched; and though ſcarcely any author was ever able to expreſs his thoughts in ſo few words, he often employs too many thoughts on one ſubject, and thereby becomes prolix after an unuſual manner. It is ſurprizing how much erudition Butler has introduced with ſo good a grace into a work of pleaſantry and humour: Hudibras is perhaps one of the moſt learned compoſitions, that is to be found in any language. The

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advantage which the royal cauſe received from this poem, in expoſing the fanaticiſm and falſe pretences of the former parliamentary party, was prodigious. The king himſelf had ſo good a taſte as to be highly pleaſed with the merit of the work, and had even got a great part of it by heart: Yet was he either ſo careleſs in his temper, or ſo little endowed with the virtue of liberality, or more properly ſpeaking, of gratitude, that he allowed the author, a man of virtue and probity, to live in obſcurity, and die in want [b]. Dryden is an inſtance of a negligence of the ſame kind. His Abſalom ſenſibly contributed to the victory, which the tories obtained over the whigs, after the excluſion parliaments: Yet could not this merit, aided by his great genius, procure him an eſtabliſhment, which might exempt him from the neceſſity of writing for bread. Otway, though a profeſſed royaliſt, could not even procure bread by his writings; and he had the ſingular fate of dying literally of hunger. Theſe incidents throw a great ſtain on the memory of Charles, who had diſcernment, loved genius, was liberal of money, but attained not the praiſe of true generoſity.

[b] Butler died in 1680, aged 68.

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